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Publication No. 2.

INVESTIGATION

Investigation of a Fatal Accident Which Occurred at Lahaina,
Maui, on May 1, 1915, in which Chow Soy (Male) and
S. Ushi Kuwaye (Female) Were Drowned While
Being Transported to the Landing from the
S. S. "Kilauea," Operated by the
Inter-Island Steam Navigation Company, Ltd.

CONDUCTED

BY THE

Public Utilities Commission of Hawaii

Paradise of the Pacific Press

1915

INVESTIGATION

Investigation of a Fatal Accident Which Occurred at Lahaina,
Maui, on May 1, 1915, in which Chow Soy (Male) and
S. Ushi Kuwaye (Female) Were Drowned While
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Inter-Island Steam Navigation Company, Ltd.

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**Letter Transmitt-
ing Accident
Report.**

Honolulu, T. H., May 6, 1915.

Dear Sirs:

You will find attached to this report copy of Captain Berg's report to the U. S. Local Inspectors.

INTER-ISLAND STEAM NAVIGATION CO., LIMITED.

ACCIDENT REPORT.

May 5th, 1915.

The General Manager Inter-Island Steam
Navigation Company, Limited.

Sir:—I beg to submit the following accident report:
S. S. Kilauea Voyage No. _____

Date and time of accident May 1st, 1915, 9.20 P. M.

Place of accident	Lahaina, Maui.
-------------------	----------------

Weather conditions Fair

Person injured—

Name CHOW SAI (Male) Chinese
 USHI KOYAE (Female) Japanese

Passenger or employee	Passengers
If passenger, destination and address	Lahaina
If employee, nature of employment	
If neither, in whose employ	

Cause of accident—

If due to tackle or gear, state condition of same, and specify broken parts

Swamping of boat

If tackle or gear owned by some one other than Company, give name of owner and person in charge
Full particulars as to character of injury, and circumstances under which it happened:

In landing passengers at Lahaina a boat with ten steerage passengers swamped drowning two, one Chinaman and one Japanese woman.

What was done with injured person?

(Signed) F. M. BERG,
Master S. S. "Kilauea".

Get full names and addresses of all Witnesses, including Passengers, Employees and others, even when accident is slight, or there is little likelihood of claim being made against Company.

WITNESSES:

Name	Address	Occupation
Hiku	Boat-steerer
Noepano	Sailor
Lipano	"
Moki	"
Umauma	"

INTER-ISLAND STEAM NAVIGATION
CO., LIMITED

No. 131

Date May 5th 1915.

S. S. "Kilauea" Voyage

Master F. M. Berg

Chief Engineer J. Devereaux

Remarks:

THE ABOVE TO BE FILLED IN
AT OFFICE

S. S. "Kilauea" Hilo, May 2nd, 1915.

To the U. S. Local Inspectors of
Hulls and Boilers.

**Report of Master
of S.S. "Kilauea"
to Local U. S. In-
spectors of Hulls
and Boilers.**

Gentlemen:

I herewith beg to submit a report on the accident to S. S. Kilauea's passengers, which happened at Lahaina, Maui, on the evening of May 1st, 1915, about 9.20 P. M. The S. S. "Kilauea" left Honolulu at 3.10 P. M. Saturday May 1st, 1915, and experienced fair weather on the trip to Lahaina, arriving there at 8.55 P. M. Weather and sea conditions being favorable I lowered two boats to take passengers, mail and baggage ashore.

Sent the first boat ashore with eight cabin passengers, their hand baggage and 33 sacks of mail. Sent the second boat ashore with eight adults and two children, their hand baggage and one trunk. After some time I noticed a red light being moved on the wharf, and there being no sign either of the boats returning, I lowered a third boat, sent Purser Thompson ashore to see what was the trouble. Turned on the searchlight. On the Purser's return he reported the second boat swamped and that some of the passengers were missing. I supplied the Purser's boat with oars for the swamped boat and sent 2nd Officer O. W. Olssen ashore to take charge. On the 2nd Officer's return he reported one passenger (a Chinaman) drowned, and a Japanese woman missing. Diligent search was made by the ship's boats, and also by Mr. Devauchelle in his boat, and by a number of other boats and sampans. I finally left for Hilo at 10.52 P. M. and by that time nothing had been seen of the missing woman, who was found at 12.30 A. M. May 2nd, drowned. The crew in charge of the swamped boat was, Hiku, boatsteerer, and Noepano, Lipano, Moki and Umauma, all native Hawaiians and experienced boatmen.

At the time of the accident there was a very light S. E. wind and a small swell from the South.

Very respectfully,

(Signed) F. M. BERG,
Master, S. S. "Kilauea".

MUTUAL TELEPHONE CO., LTD., (Wireless Dept.)

Time Received

May 9 3-25 PM 1915.

Hilo 9

PUBLIC UTILITIES COMMISSION,
Honolulu.

**Wireless from
Chairman.**

Take no action Lahaina accident until I return.

FORBES.

PUBLIC UTILITIES COMMISSION OF HAWAII.

Honolulu, T. H., May 13, 1915.

Inter-Island Steam Navigation Co., Ltd.,
Honolulu, T. H.

Gentlemen:

This is to acknowledge receipt of your communication of the 6th instant in closing your Accident Report No. 131, relating to an accident which occurred at Lahaina, Maui, in which two lives were lost through the swamping of one of the boats of the s. s. "Kilauea" while landing passengers at that port on May 1,

1915. A copy of the report of the Master of the s. s. "Kilauea" to the U. S. Local Inspectors of Hulls and Boilers, dated May 2, 1915, attached to the regular report was also received.

The communication and report will be presented to the Commission at its next meeting.

Very truly yours,
PUBLIC UTILITIES COMMISSION OF HAWAII,
By its Secretary,
H. P. O'SULLIVAN.

Notice of Date for
Hearing.

PUBLIC UTILITIES COMMISSION OF HAWAII.

Honolulu, T. H., July 7, 1915.

Inter-Island Steam Navigation Co., Ltd.,
Honolulu, T. H.

Dear Sirs:

Notice is hereby given that a hearing on the accident of the Inter-Island Steam Navigation Co., Ltd., which occurred at Lahaina, Maui, on May 1, 1915, will be held on Friday, July 16 1915 at 2 p. m. at the Commission's office. The Commission will also take up, at that time, the matter of the complaint of M. Negoro, General-Secretary of the Japanese Association of Hawaii, regarding the treatment of steerage passengers on your steamers.

Very truly yours,
PUBLIC UTILITIES COMMISSION OF HAWAII,
By its Secretary,
H. P. O'SULLIVAN.

Passenger List of
S. S. "Kilauea".

INTER-ISLAND STEAM NAVIGATION CO., LTD.

Report of s. s. "Kilauea" date of arrival May 4, 1915, 9.17 a. m. Left Honolulu, May 1, 1915, 5 p. m.

Outward Passenger List.

Trip No. 87.

Honolulu to Lahaina

W. T. Robinson,
E. Waiaholo,
Mr. and Mrs. H. B. Penhallow,
W. K. Kaluakini,
Miss Maillua,
A. Heu.

Lahaina to Hilo.

H. W. Kinney,
M. A. Patton.

Deck.

Honolulu to Lahaina.

5 Hawaiians,
3 Japs,
1 Portuguese,
1 Chinaman.

(10)

Honolulu to Hilo.

J. F. C. Hagens,
R. Haiu,
J. Henderson,
J. L. Wheeler,
R. T. Moses,
S. Johnson,
Mr. and Mrs. J. R. Bruce,
Mr. and Mrs. Twining,
Miss Miller,
Mr. and Mrs. Ruxton,
Mr. and Mrs. N. K. Lyman,
Mrs. W. Conradt,
Mrs. J. Stupplebeen and infant.
E. F. Mogford,
F. W. Thrum,
J. Franks,
O. Bjorklund,

Miss C. Camara,
Mr. and Mrs. J. P. Hale,
J. Baker,
M. Kimura,
Mr. and Mrs. Kawahara.
(31)

Honolulu to Hilo.

32 Japs,
7 Hawaiians,
3 Portuguese,
2 Whites,

2 Filipinos,
2 Chinese.
(48)

Lahaina to Hilo.

5 Japs,
1 Portuguese.

(On the freight list the following
note appeared:

"Notes: Weather on both outward
and inward trips. Light trade wind
and smooth seas.")

E. W. THOMPSON,
Purser.

PUBLIC UTILITIES COMMISSION OF HAWAII.

Honolulu, T. H., Aug. 5, 1915.

Inter-Island Steam Navigation Co., Ltd.
Honolulu, T. H.

Gentlemen:

The statement of Mr. Joseph E. Sheedy, General Superintendent of the Inter-Island Steam Navigation Co., Ltd., concerning the Lahaina accident, under date of August 3, 1915, received. The Commission directs that it be returned herewith with the request that it be filed in the form of an affidavit. The portion of the minutes of the hearing held July 19, 1915, which bears on this matter reads as follows:

"Mr. Sutton requested the privilege of calling Mr. Sheedy, Supt. of the Inter-Island Steam Navigation Co., Ltd., as a witness to testify with reference to the rules and regulations governing the boats, crew, etc. Mr. Sheedy not being present, the Commission directed that his statement be made in the form of an affidavit and filed with the Commission."

Very truly yours,
PUBLIC UTILITIES COMMISSION OF HAWAII,
By its Secretary,
H. P. O'SULLIVAN.

INTER-ISLAND STEAM NAVIGATION Co., LIMITED.

Honolulu, T. H., August 9, 1915.

Public Utilities Commission of Hawaii,
Honolulu, T. H.

Dear Sirs:

Your favor of August 5th requesting the writer to submit his statement in the form of an affidavit is acknowledged and in reply would say that same has been executed and forwarded under separate cover.

Trusting that this will be satisfactory, we remain,

Yours very truly,
INTER-ISLAND STEAM NAV. CO., LTD.,

By J. E. SHEEDY,
General Superintendent.

Re Statement of
Mr. Joseph E.
Sheedy.

Request for Copy
of Proceedings of
Coroner's Inquest.

PUBLIC UTILITIES COMMISSION OF HAWAII.

Honolulu, T. H., May 8, 1915.

Mr. Clement Crowell,
Sheriff, County of Maui,
Wailuku, Maui.

Dear Sir:

The Public Utilities Commission desires to receive a copy of the proceedings of the Coroner's inquest re deaths of Chow Sai (male), Chinese, and Ushi Koyae (female), Japanese, both passengers of the s. s. "Kilauea" on May 1, 1915, at the port of Lahaina, Maui. Please give this matter your attention at the earliest possible moment.

Very truly yours,
PUBLIC UTILITIES COMMISSION OF HAWAII,
By its Secretary,
H. P. O'SULLIVAN.

OFFICE OF THE COUNTY SHERIFF
County of Maui, Territory of Hawaii.

Wailuku, Maui, T. H., May 12th, 1915.

H. P. O'Sullivan, Esq.,
Secretary, Public Utilities Commission,
Honolulu, Oahu.

Dear Sir:

Your letter of the 8th inst. to hand, and in reply thereto, would say that a copy of the Coroner's Inquest held at Lahaina in re deaths of Ushi Kuwaye and Chow Soy will be mailed to you by next mail. The transcripts are ready, and the only delay being the signatures of the different witnesses as they are scattered in three different districts.

Mr. Wm. S. Chillingworth, who was employed as stenographer in this inquest, has a complete note of all that transpired during the inquest.

Yours very truly,
CLEMENT CROWELL,
Sheriff of the County of Maui.

PUBLIC UTILITIES COMMISSION OF HAWAII.

Honolulu, T. H., May 13, 1915.

Mr. Clement Crowell,
Sheriff, County of Maui,
Wailuku, Maui.

Dear Sir:

Your communication of the 12th instant received. I note that a copy of the proceedings of the Coroner's inquest re deaths of Ushi Kuwaye and Chon Soy will be forwarded by the next mail. A transcript of the stenographer's notes taken during the inquest was received by this morning's mail.

Very truly yours,
PUBLIC UTILITIES COMMISSION OF HAWAII,
By its Secretary,
H. P. O'SULLIVAN.

PUBLIC UTILITIES COMMISSION OF HAWAII.

Honolulu, T. H., June 4, 1915.

Mr. Clement Crowell,
Sheriff, County of Maui,
Wailuku, Maui.

Dear Sir:

May I again ask that you furnish the Commission with a copy of the proceedings of the Coroner's inquest re deaths of Ushi Kuwaye and Chon Soy, at Lahaina, Maui, on May 1, 1915. On May 12, you wrote stating that you would send the data requested by the next mail. You must have evidently overlooked the matter. It is very important that the Commission obtain this data and I would therefore request that you give the matter your immediate attention.

Very truly yours,
PUBLIC UTILITIES COMMISSION OF HAWAII,
By its Secretary,
H. P. O'SULLIVAN.

OFFICE OF THE COUNTY SHERIFF

County of Maui, Territory of Hawaii.

Wailuku, Maui, T. H., June 5th, 1915.

H. P. O'Sullivan, Esq.,
Secretary, Public Utilities Commission of Hawaii,
Honolulu.

Dear Sir:

Through an oversight the minutes of the proceedings in re Coroner's inquest of Ushi Kuwaye and Chow Soy have not been sent to you as per my last letter.

Enclosed find copy of the same duly certified.

Very truly yours,
CLEMENT CROWELL,
Sheriff of the County of Maui.

PUBLIC UTILITIES COMMISSION OF HAWAII.

Honolulu, T. H., June 7, 1915.

Mr. Clement Crowell,
Sheriff, County of Maui,
Wailuku, Maui.

Dear Sir:

Your communication of the 5th instant, inclosing certified copy of Coroner's inquest of Ushi Kuwaye and Chun Soy, received.

Very truly yours,
PUBLIC UTILITIES COMMISSION OF HAWAII,
By its Secretary,
H. P. O'SULLIVAN.

MINUTES OF INQUISITION TAKEN AT THE LAHAINA COURT
HOUSE ON THE 6TH DAY OF MAY, A. D. 1915, TO SHOW
CAUSE WHY AND BY WHAT MEANS TWO PEOPLE, NAMELY
"CHOW SOY" AND "MRS. USHI KUWAYE" CAME TO THEIR
DEATH ON THE 1ST DAY OF MAY, A. D. 1915.

HIKU IONA, Sworn:—

My name is Hiku Iona. I am working for the Inter-Island Steam Navigation Co., Ltd. I was working for them on the 1st day of May, 1915. The boat sailed from Honolulu. The steamer made a landing at Lahaina. We arrived at Lahaina at about 9 or 9:30 at night. I had charge of the second boat coming to the wharf that night. There were four in the crew besides myself which constituted the crew of the boat. We had about eight or ten passengers coming ashore that night. The nationalities constituted of Japanese, Hawaiians and Chinese. There were some children on the boat. We had some freight besides the passengers coming ashore. The sea was rough and we couldn't see ahead of us that particular night, as it was dark. I think there was a Japanese woman on the boat, too. I also saw an old Chinaman on the boat. When we came to the harbor, a big sea struck us and my oar broke. I was the steerer of the boat. The other four men were rowing the boat at the same time. When my oar broke, the boat capsized, and we all fell into the sea. When the boat capsized, we helped the passengers onto the keel of the boat. I first got hold of a Hawaiian man from underneath the boat. He is a big fellow. (John Saffery brought in for identification.) This is the man that I helped from underneath the boat. I helped him with the small baby. I also helped a Japanese man from underneath the boat. If you see the man today, do you think you will know him? I do not know. I also helped a big girl from underneath the boat. (Miss Katie Keao brought in for identification.) This is the girl that I helped. I also helped an old lady from underneath the boat. (Mrs. John Saffery is brought in for identification.) That is the old lady. The boat was keel up. I put all the people onto the keel of the boat; the woman and the small boy was underneath the boat, and I put them onto the keel of the boat. I stayed with the boat for over one hour and a half after the accident. The first boat that came in came to our rescue. I did not see anyone dead around there. I did not see the Japanese woman after the boat capsized. I did not see if the crew of my boat was there when the other boat came to our rescue. When coming to the wharf from the steamer that night, no one told us not to go the direction we were going. I worked over three years for the I.-I. S. N. Co. I only worked on this trip on the "Kilauea". I generally work on the "Mauna Loa". These men working with me are always the same ones that worked with me. Their names are:—Umauna; Moke; Lipano and Moipono. I had charge of the boat. None of our men had been drinking when coming ashore that night. After the boat capsized, the crew helped me turn the boat over. I do not know if the crew got hold of any other one from the boat. I do not know what time we got back to the steamer that night; it was about one and a half or two hours later. While coming in, the first surf struck our boat, and another one again. The first one capsized the boat and the second one hit the boat again. I did not find my broken oar again. I did not find any other oar after the boat capsized. I put the boat alongside of the wharf and put the water off and afterwards brought it back to the steamer. We were about ten or twenty minutes before the second boat got to our assistance. When the other boat got to our assistance, I could not see if my crew was still there or not. Where we capsized, the water

was not deep, and no danger of drowning. We took our boat back to the "Kilauea" with the other oars that were brought to us. When my oar broke, I fell right into the boat. I could see the light when I was coming in from the steamer. That is the same place I always come in. After the boat capsized, I did not see anyone swimming ashore. The searchlight of the steamer was thrown onto our boat. I am an experienced man with this harbor. I took the upper course when coming into the harbor. Where the surf breaks, it is about twenty-five feet upper. No one told me that I was too close to the reef and in a wrong course. I did not make any such response "that it was my own business". We were capsized when I heard the cry of help from the passengers. I know for myself that I was there, but to the crew, I could not say as it was too dark. When the boat capsized, it drifted into the harbor. It was shallow where we capsized, and I was able to put the passengers on to the keel of the boat. At the time I had some of the passengers onto the keel of the boat, she was pounding on the reef. John Saffery did not tell me to pull the boat in. I saw a Japanese coming alongside of my boat with a small scip. I do not remember if it was a Japanese or a Hawaiian. I do not know Mr. Saffery. When the boat capsized, I dived under the boat and got a small child as it was shallow. When I dived under the boat, I got hold of the woman in one arm and the child in another arm and afterwards put them both on to the keel of the boat. I do not know who brought the Japanese woman to shore; all I know is that I put them on to the keel of the boat. When the boat was in an overturned position, the swells were still coming in. The surf struck the boat on the stern. I know the surf struck the boat on the stern because after that my oar snapped. When the surf struck my boat, the boat was surfing with the surf. When the boat was surfing, I was holding my boat still with the oar. The surf snapped my oar because I was holding my oar steady with the surf. The red light was out at the harbor.

(Signed) HIKU IONA.

DR. F. BURT, Sworn:—

My name is Dr. F. Burt. I am a physician and surgeon, and am such for the District of Lahaina, County of Maui. I had an occasion to view the bodies of a female Okinawa and a Chinese man on the 1st day of May, 1915, during the evening. The man was dead when I saw him; he was brought out of the water. I saw the man at Masuda's corner, and I tried to tressle and get the water out of him, but I couldn't. I think this was about 9:30 P. M. on Saturday evening. The man must have died easily. I extracted a little water from him. The cause of death was due to drowning. There was no mark on his face or head to show that there was any foul play at all. With regard to Mrs. Ushi Kuwaye, I found her dead about 11.30 also last Saturday night. I saw her on the lanai in front of Seong's saloon just this side of the butcher shop. She also died of drowning. She did not die easily, as her face was somewhat distorted and showed signs of struggling.

(Signed) DR. F. BURT.

UMAUMA, Sworn:—

My name is Umauma. I reside at Honolulu. My occupation is working on board a steamer. I am working for the Inter-Island Steam Navigation Co. I have been working with the company for about five years. I always work continuously. Last Saturday we were working on one of the steamers of the Inter-Island, and it was the "Kilauea". We left Honolulu at about four o'clock Saturday afternoon, and sailed for Lahaina, etc. We arrived here about nine o'clock that night. I was one of the crew that sailed for the wharf at Lahaina

that night. I was on Hiku's boat. There was four of us and the boat steerer. We had passengers coming ashore with us. At the time we left the boat and rowed for the wharf, we met with an accident. The boat overturned with us. I am a frequent sailor with the Lahaina harbor. I remember the different nationalities on the boat that night; there was some Japanese; some Chinese; Hawaiians and a large half-white. I also saw his wife and children on the boat, and some Japanese and Chinese. We were rowing and I didn't see any swells, and all at once the surf struck us and we capsized. When the boat capsized I remember I was underneath the boat and I dived and got outside of the boat. When I got out, I grabbed an elderly Chinaman and put him on to the keel of the boat. I then cried out kokua, kokua, and another boat came to our rescue. The other boat came over and rescued our passengers that we had on the keel of the boat. That is all I know. No one told us not to take the course that we were taking that night. We did not see any big swells before we were struck. The first surf struck our boat and we capsized. There were four of us rowing at the time. I do not know how the boat overturned. When the surf struck us, we were rowing a little broadside of the surf. I do not know how we were at that angle, as it was the boat-steerer placing it at that angle. When the boat capsized, the crew was always around there and giving assistance. Another crew took the boat back to the steamer. After the boat capsized, we did not find any of the oars that were on our boat. Hiku did not tell me why the boat capsized. Hiku did not tell me that his oar was broken. During the stay of the steamer in the harbor I did not see anyone drowned. Just before this accident, no one made a remark as to the roughness ahead of us. No one told us not to row where we did. No one told Hiku that the boat was too far down. Immediately after the boat overturned, I stayed right there until the assistance of the other boat came. It is not very deep where the boat capsized. Where the boat capsized, I could stand on my feet. When the boat capsized, I was stuck under the boat. There was some trouble with the steering of the boat. I heard Hiku say that his oar was broken. The position of the boat when coming to the wharf was an upper position. We were steering for the red light. After I put the Chinaman on to the keel of the boat, I called out for kokua. I do not know how long I kept the Chinaman on the keel of the boat. I am positive that I picked up Akana from the keel of the boat and put him on to the other boat. Afterwards I searched around and found no one else. The red light that we was heading for was on the buoy. The steamer was on the outside of the buoy. Before this accident happened, the light was on the outside. We were aiming for the white light and not the red light. When the boat steerer fell down, the boat capsized. The picture on the certificate is the man I took from under the boat and put him on to the keel of the boat. He was an elderly man, and being dark, I could not see just who he was.

(Signed) UMAUMA.

MOSES SMITH, Sworn:—

My name is Moses Smith. I live at Honolulu. I am working for the Inter-Island Steam Navigation Co., and have been working there for the last three years. I work on the W. G. Hall. Last Saturday, I worked on the "Kilauea". I was on her just for one week and it was my first trip on her. We left Honolulu at three o'clock in the afternoon of May 1st, 1915, and arrived at Lahaina at about nine o'clock that night. I rowed on Hiku's boat and it was the second boat that left the steamer and we had about eight or ten passengers with us. We had some Japanese, Chinese, Hawaiians and some children. When we came in that night, a large wave broke down on the boat.

Hiku was the boat steerer. The wave came pretty close to the boat before we noticed it. It was a very big wave. The wave turned the boat over. I saw Hiku working with his oar. I do not know what happened with Hiku, I saw him on the boat standing up. I did not see Hiku fall down. We did not find any oar after the boat capsized. Hiku did not tell me anything about the oar. When the surf caught the boat, it turned us right over. After the boat capsized, I was underneath the boat. I got away from under the boat and helped the passengers on to the keel of the boat until the other boat arrived, and I helped them on to the other boat. I did not hear any of the passengers tell us not to go the direction we were going. Where we capsized, it was not very deep. I notice that there was one Japanese woman and a Chinese man on the boat. I, together with the boat steerer, put a big girl on to the keel of the boat. I did not see any of the boat boys around the boat after we capsized; it was only myself and the boat-steerer.

(Signed) MOSES SMITH.

AHIA MOEPONA, Sworn:—

My name is Ahia Moepona. I live at Honolulu. I work for the Inter-Island Steam Navigation Co. I have been working with them for about 1½ months. I am on the Hilo run. I was working on one of the steamers last Saturday. I was transferred from the "Mauna Loa" to the "Kilauea". I came in to Lahaina last Saturday night. When we came in the boat capsized from a large wave. The wave caught our boat sideways. One wave struck our boat and it was a big one. I did not hear anyone tell Hiku not to go that direction. I saw a big half-white man on the boat. When coming into the harbor other times, we take a different course. When we came in last Saturday night, we were little too far down. The boat-steerer is the only one that can steer the boat. The course we came in last Saturday night is a different course we generally take. I did not tell Hiku that he was on the wrong course. I did not try to save any of the passengers as my leg was hurt and I had to swim ashore.

(Signed) AHIA MOEPONA.

LEPANU, Sworn:—

My name is Lepanu. I live at Honolulu. I work for the Inter-Island Steam Navigation Co. I have been working there for about five or six months now. I have been to Lahaina many times. Last Saturday night, we were on a boat that had about ten passengers coming to the wharf from the steamer "Kilauea". When we came in that night, my face was turning to the steamer and we couldn't see any wave come. A big wave struck us and the boat capsized, and I was under the boat. I did not hear any snap before the boat capsized. I did not hear Hiku or anyone else say anything. Other times when coming in, we generally take a different course. The other course is generally taken further down. I did not see Hiku fall into the boat. I got hold of a Japanese from under the boat. I do not know if there was a Japanese woman on the boat that night. I think there was a Hawaiian woman on the boat that night. I did not hear any Hawaiian girl tell Hiku say not to take that course. When we left the steamer, I did not see the "Komokila" that night.

(Signed) LIPANO.

JOHN SAFFERY, Sworn:—

My name is John Saffery. I live at Olowalu, Maui. I was in Honolulu and came back last Saturday on the steamer "Kilauea". I arrived at Lahaina about nine o'clock that night. Myself, my wife, my two children, two Chinese, two Okinawas, one Japanese and one Hawaiian girl came on the boat with me,

and it was the second boat coming to the wharf. A big stout Hawaiian man was steering the boat. Four members outside of the steerer constituted the crew; of these four men, three were rowing and one was not. When we left the steamer which laid off anchor in the harbor, we came in in an upper direction. When coming along, I saw a big surf ahead of us and I cautioned the steerer that we were too far down and to keep a little closer. The boat did not surf along with the surf at all. We were caught by the surf and the boat capsized. When the boat capsized, we were around there a little while in the water, and I was the first one to get out from under the boat, and I pulled a Chinese out as I thought it was my wife. I got on to the keel of the boat, and the only one I saw there was the boat-steerer. When the boat-steerer saw me, he told me to try and pull the boat out. I told him no use to pull it out as it was deeper there but to pull it in. After a little while, Katie Keao, a girl, came from under the boat. She came out from the boat herself, as I was holding onto my child and we were there for some time. During the time we were on the keel of the boat, a small scip arrived and my little girl together with myself got on and came to the wharf. I then got off from the keel of the boat and got under the boat again. When on the keel of the boat I heard cries from my little child crying papa, papa, and that's why I went under the boat again. After a while there was a lot of people around. It was a long time after the first boat left the steamer when it came to our rescue. I did not see any of that crew jump off and tried to rescue any of the passengers, but simply yelling to turn the boat over. During that time, Ninau, a Hawaiian got under the boat from the back end and rescued my wife. When my wife came to the surface, she was pretty well exhausted. After that we got on to the boat that was there, and came to the wharf. After we left the steamer, I saw one swell and we passed it, and a second one came and turned us a little, and immediately afterwards a surf came and turned the boat over. The boat was straight ahead when the surf struck the boat. I told the boat-steerer that we were too far down, but he did not make any response. After the boat capsized, and after I seized the Chinaman, he was not dead. I told the Chinaman to go in a straight direction but he was exhausted. I did not see any Okinawa lady at that time, but I saw her on the boat with my wife and Miss Keao. I was the only one that told the boat-steerer that we were too far down. Right after I told him the danger position we were in, the second swell caught us. I did not hear any snapping of the oar. I was right ahead of the boat steerer and did not notice at any time that the boat-steerer fall just before the accident. There were several others sitting right ahead of the boat-steerer. I do not know where the boat-boys were immediately after the accident; I, together with the boat-steerer were the only ones there. I do not know if Akana took the direction I told him or not. The Japanese man came out himself from under the boat. The Japanese woman and the Chinese man came out themselves, and no one helped them, I couldn't rescue them as I was helping my little child. I am in the habit of traveling in this harbor. The course that was taken last Saturday night is not the course that is generally taken, only when going out fishing or in calm weather. I did not see any broken oar around the overturned boat at all.

(Signed) JOHN SAFFERY.

MISS KATIE KEAO, Sworn:—

My name is Miss Katie Keao. I live at Olowalu. I am 19 years old. Last Saturday I was on the steamer coming from Honolulu. I came up on the "Kilauea". My uncle, John Saffery, my auntie, two of us, some Japanese and Chinese were on the boat when we left the steamer for the wharf that night.

We came in on the second boat. A fat Hawaiian man was steering the boat. After we got off the steamer and came to the wharf, the boat capsized on the way. When the boat capsized, we were underneath the boat. The boat was capsized by the wave. There were two waves, the first one was not big and the second wave capsized the boat. The boat was going towards Olowalu when the wave struck the boat. After the wave struck the boat, the boat capsized and we were all under the boat. When I came out from under the boat, I saw my uncle on the keel of the boat with one of the sailors. I know this Chinaman by the name of Akana. Eugene Duvauchelle brought us to the wharf on his small boat together with a little boy. After we left the steamer, we did not see any wave ahead of us. My uncle told them to take a different direction, but they said never mind and go right ahead. When I got out from under the boat, I did not see the Chinaman. I told the sailors that they were damned fools after I came out from under the boat. I could not see who it was as it was dark and I couldn't see well. One of the sailors put me on to the keel of the boat.

(Signed) MISS KATIE KEAO.

RYOYO KUWAYE, Sworn:— N. K. Otsuke, Japanese Interpreter.

My name is Ryoyo Kuwaye. I live in Hawaii. I was in Honolulu in the morning on Saturday of May 1st. We left Honolulu about 3 o'clock in the afternoon and came to Lahaina. My wife came with me. My wife is dead and buried at Paia. My marriage was performed at Honolulu on April 28th, 1915. The boat capsized and she was drowned. I was on the same boat with her. The accident occurred right in front of the Lahaina wharf. I do not know why the boat capsized because my wife and myself sat down on the bottom of the boat and couldn't see on the outside of the boat. My wife is twenty-four years old. My wife's name is Ushi, and she was born in Okinawa Prefecture, Japan. Rev. Okomura's house in Honolulu where we were married.

(Signed) RYOYO KUWAYE in Japanese characters.

C. AHU, Sworn:—

My name is C. Ahu. I live at Lahaina. I lived at Lahaina for the last five years, and I stayed at Kaanapali for fifteen years. I know a Chinaman by the name of Akana. His right name is Chow See. He died from the overturning of a boat. I saw his dead body. Saturday evening about ten minutes to nine, I was home and heard yelling down at the waterfront. I came out and saw lot of people gathering at the waterfront and I came down. About ten o'clock I came down and saw the dead body of Chow See. I know that photograph and it is of Chow See. I have known him for about twenty-two years. He is about sixty-five years old. He is a native of China. He just arrived from Honolulu to pay me a visit. He comes here frequently and sometimes goes to Wailuku. He stays in Honolulu most of the time. I know that he had a big stout woman living with him before. I know that he has a married wife, because he told me so. His wife's name is Julia and she is a Hawaiian woman.

(Signed) C. AH YU.

I hereby certify that this is a true and correct copy of the original on file in my office in the County of Maui.

In witness thereof, I hereby set my hand and the seal of my office, this 17th day of May, 1915.

[SEAL]

CLEMENT CROWELL,
Sheriff of the County of Maui.

TERRITORY OF HAWAII—COUNTY OF MAUI.

CORONER'S INQUEST VERDICT.

An inquisition taken at Lahaina, County of Maui, on the 6th day of May, in the year 1915, before Clement Crowell, one of the Coroners of said County, upon the body of Mrs. Ushi Kuwaye there lying dead, by the oaths of the Jurors whose names are hereunto subscribed, who being sworn to inquire when, how, and by what means the said Mrs. Ushi Kuwaye came to her death, upon their oaths do say:

That we find the deceased was named Mrs. Ushi Kuwaye; was a native of Japan; and aged about 24 years; that she came to her death on the 1st day of May, 1915, from drowning due to the overturning of a boat manned by a crew of the S. S. "Kilauea" of the I.-I. S. N. Co., Ltd., at Lahaina, Maui, through carelessness and neglect of said crew.

IN WITNESS WHEREOF, the said Coroner, and the Jurors of this inquest, have hereunto set their hands the day and year aforesaid.

(Sgd.) CLEMENT CROWELL,
Coroner.

" O. J. WHITEHEAD,
" PHILLIP ESPINDA,
" D. B. ESPINDA,
" P. N. KAIWI,
" W. K. KELIHELEUA,
" ROBT. B. BODNAR,
Jurors.

TERRITORY OF HAWAII—COUNTY OF MAUI.

CORONER'S INQUEST VERDICT.

An inquisition taken at Lahaina, County of Maui, on the 6th day of May, in the year 1915, before Clement Crowell, one of the Coroners of said County, upon the body of Chow Soy there lying dead, by the oaths of the Jurors whose names are hereunto subscribed, who being sworn to inquire when, how, and by what means the said Chow Soy came to his death, upon their oaths do say:

That we find the deceased was named Chow Soy; was a native of China; and aged about 65 years; that he came to his death on the 1st day of May, 1915, from drowning due to the overturning of a boat, manned by a crew of the S. S. "Kilauea" of I.-I. S. N. Co. at Lahaina, Maui, through the carelessness and neglect of said crew.

IN WITNESS WHEREOF, the said Coroner, and the Jurors of this inquest, have hereunto set their hands the day and year aforesaid.

(Sgd.) CLEMENT CROWELL,
Coroner.

" O. J. WHITEHEAD,
" ROBT. B. BODNAR,
" PHILLIP ESPINDA,
" D. B. ESPINDA,
" W. K. KELIHELEUA,
" P. N. KAIWI,
Jurors.

Transcript of Testimony Given at Coroner's Inquest at Lahaina, Maui.

Inquest conducted by Sheriff Clement Crowell. Present at the Inquest: Messrs. Geo. Dunn, E. W. Sutton, Eugene Murphy, H. C. Mossman, Deputy Sheriff C. R. Lindsay (Bailiff), John E. Garcia (Sheriff's Clerk), and Wm. S. Chillingworth (engaged by E. W. Sutton to make stenographic report.)

In the matter of the death of)
) Coroner's Inquest.
 USHI KUWAYE and CHOW SOY.)

(Sheriff Clement Crowell calls roll of jury, all jurors being present, viz., O. J. Whitehead, D. B. Espinda, Robert Bodinar, Wm. Keliheleua, Philip Espinda, and P. N. Kaiwi.)

EXAMINATION OF HIKU IONA (SWORN).

A. Hiku Iona.
Q. Where are you working?
A. I am working for the Inter-Island Steam Navigation Company on the steamer "Kilauea".

Q. Were you working for them on the first day of May this year?

Q. Where were you on that day? Were you working on that steamer?

Q. Where did that boat sail from ?

Q. Did the steamer make any landings on that trip?

Q. Where did she touch,—any landing up here?

Q. Did she land at Lahaina?

Q. What time did you land at Lahaina?

A. Between nine and half past nine.

Q. Did you have a boat coming to the wharf that evening?

A. I am the one on the second boat.

Q. Who was in charge of that boat?

A. I.

Q. You were in charge of that boat?

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- Q. How many men were in that boat,—that is, in the crew?
- A. Four in the crew.
- Q. And yourself?
- A. And I make five.
- Q. Did you bring any passengers ashore?
- A. Yes.
- Q. You were in the second boat that came to the wharf?
- A. Yes.
- Q. You know how many passengers you had in that boat?
- A. I think somewhere around eight or ten.
- Q. Do you know what nationality they were?
- A. Yes.
- Q. What kind?
- A. Japanese.
- Q. How many Japanese,—you know?
- A. No.
- Q. Some Japanese?
- A. Some Japanese.
- Q. What else?
- A. Pake. (Chinese.)
- Q. What else?
- A. Hawaiians.
- Q. And children?
- A. Yes.
- Q. Besides the passengers, you had some freight, didn't you? Some packages?
- A. Yes. Package and one trunk.
- Q. On your way in from the steamer, was the surf running high,—rough?
- A. Yes; and could not see,—too dark.
- Q. Was there a Japanese woman on that boat, too?
- A. I think so.
- Q. Did you notice if there was an old Chinese man on that boat?
- A. Eh?
- Q. Did you notice one old Chinaman on that boat?
- A. I see him.
- Q. On your way in, what happened to the boat, when you were coming to the wharf?
- A. When we coming to the harbor, we did not see any wave behind of us, and a big sea hit us and the steer broke.
- Q. The steering-oar?
- A. Yes.
- Q. Talk a little louder. Repeat what you said.
- A. When we came to the harbor, big sea struck us and the oar broke,—the steer-oar.
- Q. You were the steerer?
- A. Yes.
- Q. Were the other four men rowing then? All the four men were working on the oars?
- A. Yes.
- Q. What happened then, after the oar broke?
- A. When the oar broke, began to capsize.

Q. And what happened?
A. We all go in the sea.
Q. All fell——
A. (Int.) In the sea.
Q. Then what did you do? What did you and crew do?
A. We help the passengers.
Q. You and these other four men?
A. Yes.
Q. You and the four men of the crew. Did you get hold of anybody?
A. Yes; I hold them.
Q. Which one?
A. First, the Hawaiian man.
Q. Did you know him?
A. Yes, I know him on board ship.
Q. Have you seen him today?
A. No.
Q. You don't know what his name is?
A. No.
Q. Big fellow?
A. Yes. Big man.
(John Saffery brought to the door.)
Q. Is that the man?
A. Yes.
(John Saffery leaves room.)
Q. You helped him, you say?
A. Yes. I helped him and small baby.
Q. Anyone else you helped?
A. Yes. Japanese man.
Q. Have you seen him today?
A. No.
Q. Slim fellow? "Wiwi"?
A. Yes.
Q. Do you think if you saw him you would know him?
A. Yes.
(Royoyo Kuwaye brought to door.)
A. That is the man.
Q. Anyone else?
A. Yes. Big girl 'round fourteen or fifteen years.
Q. Native girl?
A. Yes.
Q. Have you seen her this morning?
A. No.
(Katie Keao brought to door.)
Q. Is this the girl?
A. Yes.
(Katie Keao leaves room.)
Q. Anyone else?
A. Old lady and a small boy or girl.
Q. Hawaiian?
A. Yes.
(Mrs. Saffery and child brought to door.)
Q. Is that the lady?

A. Yes.
(Lady and child leave the room.)

Q. Anyone else?

A. That is all.

Q. Did the other members of the crew get anybody?

A. I did not see them.

Q. Were they around there?

A. I swim outside the boat. I could not see.

Q. The boat was keel up?

A. Yes; keel up. I put all these people on top the keel.

Q. All these people?

A. Yes. The last one, the woman and small girl or boy was underneath the boat, and I go and dive underneath the boat and pull outside and put on top the boat.

Q. How long were you around there with that boat? You and the crew. Did the rest of the crew stay with you all the time?

A. The crew?

Q. The rest of the crew.

A. I don't know.

Q. How long did you stay around there?

A. Stay until the boat come over here. Somewhere 'round one hour or one hour and a half.

Q. Any other boat went out to where you were?

A. Yes.

Q. What boat was that?

A. The first boat that came in.

Q. Did you see anybody dead around there?

A. No.

Q. You never came across one old Chinaman with white hair? An old Chinaman, passenger on that boat?

A. After.

Q. Afterwards?

A. No.

Q. Did you see that Japanese woman?

A. Afterwards.

Q. After the boat capsized?

A. No.

Q. Was the crew of your boat there when the first boat got there?

A. All the crew there.

Q. Was the crew of your boat there when the first boat got there?

A. I did not see.

Q. When you left the steamer with your passengers, coming for the wharf, didn't anyone in the boat tell you not to go that place?

A. No.

Q. Nobody told you?

A. No.

Q. None of the passengers told you?

A. No. None of the passengers.

Q. How long have you worked for the Inter-Island Steamship Company?

A. Over three years.

Q. How long you been working on the "Kilanea"?

A. This trip coming up.

Q. Just this trip?

A. Yes.

Q. What boat you always work on?

A. "Mauna Loa."

Q. These men that were with you as your crew, have they always been working with you?

A. Yes.

Q. All of them?

A. Yes.

Q. All the time?

A. Yes. This trip and "Mauna Loa".

Q. What are the names of those men that were with you that night?

A. Umauma, Moke, Lipano and Moepono.

Q. You had charge of this boat?

A. Yes.

Q. Were any of these men—had any of these men been drinking that night before you boys came ashore with the boat?

A. No.

Q. None of them? They were all sober?

A. Yes.

Q. You been working for the Inter-Island company for three years, you said?

A. Three years. And Wilder's Steamship Company eight years.

Q. Did you and the crew try to turn the boat over again?

A. Yes.

Q. After it capsized? The time that it capsized and right after that, did you try to turn the boat over?

A. No. After it capsized, I could not see my crew.

Q. What is that?

A. After it capsized, my crew came 'round there and help to turn it over.

Q. You don't know if any other members of the crew got hold of anybody?

A. No.

Q. You don't know. What time did you get back to the steamer that night?

A. I don't know.

Q. About how long after?

A. 'Round hour and a half or two hours.

Q. Hour and half or two hours. When you came in, the first surf struck your boat?

A. Yes.

Q. And then another struck your boat?

A. Yes.

Q. There were two surfs that struck your boat?

A. Yes.

Q. And the second one is the one that capsized your boat?

A. Yes.

Q. The second one?

A. No, the first one capsized the boat and the second one hit the boat.

Q. The second one hit the boat again?

A. Yes.

Q. Did you find that broken oar?

A. My oar?

Q. Yes.

A. When the time turn over, my oar lost.

Q. It was broken, you say?

A. Yes.

Q. Did you find it?

A. No.

Q. Did you find the other oars?

A. No.

Q. And so you didn't find the five oars?

A. Yes.

Q. Did you find them or not?

A. No. Didn't find.

Q. You sure about that?

A. Yes.

Q. This boat of yours was towed back to the steamer?

A. No. Took 'longside the wharf and I bail the water out and bye-and-bye take back to the steamer.

Q. How long were you men around this boat before that first boat got there?

A. 'Round about ten or twelve minutes.

Q. At the time this boat got there, your crew was still around there?

(Pause.) Do you know if your crew was still around your boat?

A. Never see.

Coroner: Any questions, gentlemen?

Juror Whitehead: I would like to ask one or two questions and when I get out of my latitude you can call me off. I would like to know how deep that water was where the boat capsized. Was it shallow enough for a person to stand, or was it too deep?

A. Where we capsized?

Q. Yes.

A. Where we capsized, deep; and further in, up to here (indicating with his fore-arm a little below the shoulders).

Q. Then, a man, like a Hawaiian sailor, would not be apt to drown, around where that boat capsized? A man who could swim would not be in danger of drowning?

A. If a man don't know how——

Q. (Int.) Do you think if a man knew how to swim, he would be in danger of drowning there?

A. No.

Q. Now, did you take the boat back to the "Kilauea"? You say you lost all of your oars; how did you take the boat back to the "Kilauea"? You took it back to the "Kilauea"?

A. Yes.

Q. How did you take it back?

A. Boatswain bring the oars.

Q. Have you ever brought boats into this harbor before?

A. Yes.

Coroner: When your boat was taken back to the steamer, did you take it out there?

A. Boatswain gave me the oars.

Q. Who is the boatswain?

A. I don't know his name.

Q. He brought the oars out to take the boat back?

A. Yes.

Juror Whitehead: When you say your oar broke, what happened? Did you fall out of the boat that time, when your oar broke? You were the steerer. As quick as that thing happened, what happened to you? Did you fall overboard?

A. I fall this side.

Q. In the boat?

A. Yes.

Juror Bodinar: You seen the lights?

A. I seen the lights.

Q. Couldn't you tell you were not coming in the right way? Did it look as if you were coming in "pololei",—in the right place?

A. Yes, with the lighthouse.

Q. And the wharf lights, it look all right?

A. Straight.

Q. That is the place you always come in?

A. Yes.

Coroner: That is the same place you come in all the time?

A. Between the red light and the Lahaina light, come right in.

Juror Whitehead: One more question. After these sailors were on the wharf, did some of them say to you "don't talk about my coming ashore" and you said no you would tell the truth. Did anybody talk to you that way?

Coroner: He doesn't understand that; give it to me and I will interpret it.

Juror Whitehead: I want to know if some of the other sailors said to him "don't tell anybody about our leaving the boat and swimming ashore."

(Coroner speaks to witness in Hawaiian.)

A. No.

Coroner: Any other questions?

Juror Philip Espinda: That time you turn the boat right, any men dead or swimming? The time you "huli" the boat,—you tell somebody grab and "huli" the boat?

A. The time we turn the boat up?

Q. You never see nobody under the boat?

A. No.

Q. You never see any oars around there? No broken oars?

A. No.

Coroner: Was the searchlight of the steamer turned at you that time?

A. After.

Q. So that you could see the oars if there were any?

A. No. No see.

Q. The searchlight was turned on you?

A. Yes.

Juror D. B. Espinda: (Questions asked in Hawaiian and interpreted by Coroner.) Are you an experienced man coming into this harbor?

A. Yes.

Q. That night that you came in, did you take the upper course or the lower course?

A. The upper course.

Q. Wasn't the course you took below where the surf breaks?

A. Where the surf breaks is twenty-five feet on the other side.

Juror Whitehead: Which is the upper course?

Coroner: This is the upper course (pointing).

Juror D. B. Espinda: What light were you following?

A. This light in the harbor,—wharf.

Q. Don't you remember that when the boat capsized, the rest of the crew swam ashore?

A. I didn't see them. I don't know if they swam ashore or not.

Q. Wasn't there a passenger on the boat who told you you were too close to the reef?

A. Nobody told me.

Q. Any member of your crew tell you that?

A. No.

Q. That you were too close to the reef?

A. No.

Q. Didn't you answer: "It is my business. Row away"?

A. No.

Coroner: Any other questions?

Juror Philip Espinda: (Spoke in Hawaiian and translated by Coroner.) At the time when the first surf struck you, didn't you turn your boat and try to make it again?

A. No.

Q. Just turned right there?

A. Yes.

Q. Did you hear anyone cry out "Kokua! Kokua!"?

A. We had capsized when I heard the cry of "Kokua".

Q. Do you remember seeing your crew there?

A. I know for myself, I was there. As for the crew, I don't know; it was too dark.

Q. At the time the boat capsized, was the surf running in frequent?

A. Yes.

Q. What did the boat do, go out or come in?

A. The boat came in,—drifted.

Q. Was it deep where the boat capsized?

A. It was shallow where we put the passengers out and I placed them on the keel of the boat.

Q. Do you remember hearing the pounding of the boat on the reef?

A. The time when I had some of the passengers on the boat she was pounding on the reef at different times when the swell came.

Q. Did you try to lift the boat up?

A. I tried to. I wanted to turn the boat over but I was there only myself and so I dive under the boat for the children.

Q. Didn't John Saffery tell you you were too close in?

A. No.

Juror Bodinar: Saturday morning was pay-day, was it not?

Coroner: Just a minute until this juror is through.

Juror Philip Espinda: Did you see Duvauchelle come alongside the overturned boat in a small skiff?

A. I saw a Japanese.

Q. The boat that got to your assistance was Eugene Duvauchell's skiff, wasn't it?

A. I don't know. I don't know whether it was a Japanese or Hawaiian.

Q. Do you know Saffery? He was right there with you.

A. I don't know his name.

Q. Did you see him there? Wasn't he alongside of you when the boat was overturned?

A. When the boat capsized, I don't remember seeing him.

Q. How did you get the child under the boat?

A. I dove under and got the child.

Q. Was the child there?

A. Yes. I dove under and held the woman under one arm and the child in the other and dove under the boat and came out and placed them on the keel.

Q. Wasn't John Saffery there?

A. He was on the keel at that time.

Q. John Saffery was a good swimmer?

A. He was with a baby.

Q. You got the other child and mother and put them on the keel?

A. Yes.

Q. And then you brought them to the shore?

A. They were brought ashore but I stayed with the boat.

Q. Did you see an "Okinawa" (Japanese)?

A. I saw a Japanese man.

Q. Who brought him in shore?

A. I don't know. I put him on the keel. That is all I remember about him.

Q. Where was the boat drifting?

A. Towards shore.

Q. Were the waves keeping on thumping the boat?

A. When the boat was still in an overturned position, the swell was still coming in.

Q. When the boat reached the wharf, how many oars were required to paddle the boat back to the steamer?

A. Four, and the steerer, five.

Q. Who brought the oars ashore?

A. The boatswain.

Q. How did the steamer know the boat was overturned?

Coroner: Did they throw the searchlight that night?

A. After the boat turned over.

Q. It was then the steamer knew the boat had capsized?

A. One of the boats returned to the steamer and told them our boat capsized.

Coroner: Any other questions?

Juror Keliheleua: The time that you were steering your boat for the wharf, did you take the right course?

A. Yes. I was taking a straight line for the wharf.

Q. What part of the reef did the surf strike the boat?

A. Right outside.

Q. Where did the surf strike the boat?

A. In the stern.

Q. How do you know the surf struck the boat in the stern?

A. I knew it did, because after that my oar snapped.

Q. Was it the surf coming and striking your oar that snapped your oar?

A. When the surf struck the boat, my oar snapped.

Q. Was the boat laying crossways to the surf?

A. Straight ahead with the surf.

Juror Philip Espinda: At the time the surf struck your boat, was your boat surfing with the surf?

A. Yes.

Q. (In English.) You make—you no make row? (Indicating forward and back movement with the hands as if skulling.)

A. No.

Q. When you were surfing, you had your oar straight?

A. Yes. I kept the oar straight running with the surf.

Q. The time you were surfing, did you hold your oar steady?

A. Yes.

Q. Can you tell me what distance the boat surfed?

A. I don't know. In surfing with the surf, my oar snapped.

Q. How did your oar snap?

A. The surf. Because I was holding steady and steering for the wharf.

Q. (In English.) And then she beat it too far below?

A. No.

Q. The time the oar snapped, the boat capsized?

A. Yes.

Q. Are you sure the oar snapped?

A. Yes.

Q. Don't you think that if you held your oar steady it would not have snapped, but by your moving the oar forward and back it would have snapped?

A. It would snap because it was a big surf.

Coroner: Any other questions?

Mr. Sutton: As to the location of the red light. He didn't say whether it was out on the water or where.

Coroner: You stated there was a red light. Where was the red light?

A. Out on the buoy.

Coroner: Call the doctor.

TESTIMONY OF F. BURTT (SWORN).

Coroner: Your name please, doctor.

A. F. Burtt.

Q. Occupation?

A. Physician.

Q. And surgeon?

A. Physician and surgeon.

Q. As such for the District of Lahaina, County of Maui?

A. Yes.

Q. Doctor, did you have occasion on Saturday evening, May 1st, 1915, to view the bodies of a female Okinawa (Japanese) and of a Chinese here at Lahaina?

A. Yes, sir.

Q. Do you know their names?

A. The Chinese was Chow Soy,—I don't remember what the Japanese woman's name was.

Q. Will you tell the jury what you found?

A. The man was dead when I saw him. He was brought out of the water and I rolled some water out of him and tried to bring him back to life but was unsuccessful.

Q. Where was it that you saw him?

A. By the drug store at Masuda's corner. The man was dead. He had been brought out of the water and I tried to resuscitate him, using the different

methods that we use for resuscitation. I was able to roll a little water out of him.

Q. What time was that?

A. About half-past nine.

Q. Did you extract any water at all from him?

A. I was able to roll out a little water. He had died easily.

Q. From all indications, what would you attribute as the cause of death?

A. Drowning.

Q. Were there any marks of violence?

A. None that I saw. We never stripped him. There were no marks about his face or head.

Q. What clothing did he have on? Was he thinly clad or heavily clad?

A. Thinly clad when I saw him.

Q. As to the Okinawa woman. What did you find in her case?

A. I saw her about eleven o'clock.

Q. Where did you see her?

A. On the lanai in front of Seong's saloon. Just this side of the butcher shop. That woman had died from drowning. It was not an easy death.

Q. How did she look?

A. She had not died easily. Eyes just as bulging—face distorted and more or less agonized from struggling,—eyes bulging and red.

Coroner: That is all. Call Umauma.

TESTIMONY OF UMAUMA (SWORN).

Coroner: (Interpreting as questions and answers were given.) What is your name?

A. Umauma.

Q. Where are you living?

A. I reside at Honolulu.

Q. Where are you working?

A. Working aboard the steamer "Kilauea" for the Inter-Island Steamship Company.

Q. How many years have you worked for that company?

A. Five years.

Q. Working continuously during that time?

A. Yes.

Q. On Saturday last, were you working on one of the steamers of the Inter-Island?

A. Yes.

Q. Which steamer?

A. Kilauea.

Q. When did you leave Honolulu?

A. Left at four o'clock.

Q. For where?

A. Lahaina.

Q. What time did you arrive at Lahaina?

A. About nine o'clock.

Q. Were you one of a crew of a boat that started for the wharf?

A. Yes.

Q. In what boat?

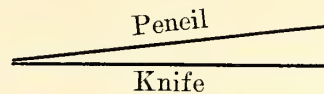
A. In Hiku's boat.

Q. How many sailors were in that boat?

A. Four of us and the boat-steerer, five.

Q. What boat were you?
A. Second boat.
Q. You brought passengers ashore?
A. Yes.
Q. Now, after you left the steamer and started for the wharf, did you meet with an accident?
A. Yes.
Q. What was the accident?
A. We were overturned by the surf.
Q. Have you come to this landing frequently in boats?
A. Yes.
Q. Do you remember the different nationalities there were in the boat as passengers?
A. Yes; some Chinese, some Japanese, and Hawaiians.
Q. Was there a big half-white in the boat?
A. Yes, he is outside.
Q. Who else did you see?
A. His wife and children.
Q. Who else?
A. Some Japanese and Chinese.
Q. Relate to the jury what happened on your way in?
A. We were rowing and we didn't see any swells. All at once the surf struck us. Before we saw the surf, we capsized,—the boat capsized.
Q. What did you do then?
A. The boat capsized, and I remember I was underneath the boat. When I got out I grabbed the Chinaman. He was an elderly Chinese. I grabbed him and put him on the keel of the boat. I then called out "Kokua! Kokua." and another boat came to our rescue. The boat came over and rescued the passengers that we had placed on the keel of the boat and then came to the wharf. That is all I know.
Q. At the time you were coming in, didn't someone say "don't go there; don't take the course you are taking"?
A. No.
Q. Did you see any big surf before you were struck by that surf?
A. No.
Q. How many surfs struck you?
A. One only.
Q. The first surf overturned the boat?
A. Yes.
Q. Were you all four rowing at that time?
A. Yes.
Q. What made the boat turn over?
A. I don't know.
Q. At the time this surf struck you, was your boat steering straight ahead of the surf?
A. No. We were a little broadside.
Q. How is it that you were at that angle?
A. I don't know. It is the boat-steerer's placing of the oar.
Q. Illustrate the direction the surf was running and the course the boat was taking. We will say that this knife is the surf and this pencil the boat. In relation to the surf which way was your boat pointing at the time you were overturned?

A. Like this. This is the surf and our boat was about like that. (Using the knife to represent the surf and the pencil to represent the boat, witness place them in this position.



- Q. At the time the boat capsized, what did the crew do?
- A. I don't know.
- Q. At the time the boat capsized, do you remember seeing the crew around there and did they give assistance to the passengers?
- A. Yes. They were there and gave assistance.
- Q. Where was the boat riding?
- A. Way in the harbor here, just a little off the wharf.
- Q. Who took the boat back to the steamer?
- A. Another crew took the boat back.
- Q. At the time the boat capsized and afterwards, did you find any oars?
- A. No.
- Q. Did you find any of them at all?
- A. None was found.
- Q. What did Hiku say to you after the overturning of the boat?
- A. Nothing at all.
- Q. Didn't Hiku tell you why the boat capsized?
- A. No; he never told me.
- Q. Didn't Hiku tell you that a certain oar of the boat had broken?
- A. No. Never told me.
- Q. During the stay of the steamer in port here, did you see any bodies of those who were drowned?
- A. No.
- Q. Just before the accident, didn't anyone of the passengers make a remark as to the roughness ahead?
- A. No.
- Q. Didn't anyone tell you not to row there?
- A. No.
- Q. Didn't any member of the crew tell Hiku that the boat was too far down off the course?
- A. No.
- Q. Right after the boat overturned, did you stay around there until the assistance of another boat came there?
- A. Yes.
- Q. Where the boat capsized, was it deep or shallow?
- A. Not very deep.
- Q. Where the boat capsized, were you standing?
- A. Yes.
- Q. At the time the boat capsized, were you under the boat?
- A. Yes. Under the boat.
- Coroner:* Any other questions?
- Juror Whitehead:* If anything should have happened to the oar or any oar was broken, would you have known it?
- A. Yes.
- Q. Did anything happen to the steering oar?
- A. Yes; some trouble.

Q. What was the trouble?

A. Broke it.

Coroner: Did Hiku say that the oar was broken?

A. Yes. We heard it.

Juror Whitehead: Do you know yourself that the oar was broken? Or were you told so?

A. That is what he told us.

Q. You didn't see the oar broken?

A. I did not. I only see him fall down in the boat.

Juror D. B. Espinda: Before this oar snapped, what was the position of the boat?

A. The position of the boat was a coming-up position. Coming up to the wharf.

Q. Don't you think the course this boat was taking was because the surf struck the boat?

A. The boat was coming up in that direction. He was steering up for the red light.

Q. Which red light is that?

A. The red light on the buoy.

Q. Is it not a fact that because the boat was a little broadside to the surf, that caused the upsetting?

A. We were coming up in that direction.

Juror Philip Espinda: I want to know whether he got the Chinaman dead or not.

Coroner: He said no. (Question not put to witness.)

Q. Would you know the Chinaman that you saved if a photograph of him was shown to you?

A. Yes.

(Coroner produces certificate of residence of Chow Soy attached to which is a photograph of Chow Soy and exhibits same to witness.)

A. This picture is the same as the Chinaman I had.

Juror Philip Espinda: After you put the Chinaman on the boat, what did you do,—swim ashore?

A. I called out "Kokua".

Q. After you put the Chinaman on the boat, how long did you keep the Chinaman on the keel?

A. I don't know.

Q. Anybody else come there in small skiffs?

A. Yes.

Q. Who?

A. Japanese. I turned the Chinese over to one of the steamer boats.

Q. Do you remember placing him on the keel of the boat?

A. Yes. I put him there myself.

Q. Do you remember positively that you lifted Chow Soy from the keel of the boat to the steamer boat?

A. Yes.

Q. Who assisted you in getting him into the other boat?

A. The crew of the other boat.

Q. What was his name?

A. I don't know.

Q. After you put the Chinaman on the other boat, what did you do?

A. I looked for the rest of the passengers. I searched and found no one else.

Q. Did you find any oars?

A. No.

Q. Was the boat still overturned?

A. Yes.

Q. And then you swam ashore?

A. Yes.

Q. Why did you swim ashore?

A. I was cold. That is why I came ashore.

Q. Didn't you know that several passengers were lost? Why didn't you stay by and help?

A. There were several others of our boats there helping.

Q. Did you see any of the crew around there?

A. Yes.

Q. How many?

A. We were all there.

Coroner: Where is this red light you were heading for?

A. Red light on the buoy.

Q. Where was the steamer lying at anchor that night?

A. Below the buoy.

Q. Outside of the buoy or inside?

A. Outside.

Q. When you were rowing from the steamer and before you met with the accident, where was the light,—on the outside or inside of the place of the accident?

A. Outside.

Q. You said you were running up to the red light when the accident happened.

A. We were aiming for the white light; not the red light,—the white light on the wharf. That is what I meant when I said "red light".

Mr. Sutton: May I suggest a question? There are three points that are not clear. One is with regard to the direction the boat was going. As I now understand the witness, they were not aiming for a red or white light but were aiming for a line between the red light and the white light.

(*Coroner speaks in Hawaiian to witness.*)

A. I can't tell you. The boat-steerer would be the proper man to tell you.

Mr. Murphy: I would like to ask one question. At the time the boat-steerer fell down in the boat, did the boat capsize?

(*Coroner speaks in Hawaiian to witness.*)

A. That is the time the boat capsized.

Mr. Sutton: As I understand it, he identified the photograph shown him as the man he took out from underneath the boat and put on the keel.

(*Coroner speaks in Hawaiian to witness.*)

A. Yes.

Mr. Sutton: And did he ever see that photograph before this morning?

Coroner: (After speaking to witness in Hawaiian.) I asked him: Is he positive that this is the man he took from under the boat. I asked him that for the benefit of the jury and he said: He was an elderly Chinaman. I grabbed an elderly Chinaman but I can't say who it was.

Coroner: Call Moke.

TESTIMONY OF MOSES SMITH (SWORN).

Coroner: What is your name?

A. Moses Smith.

Q. Where do you live?

A. Honolulu.

Q. Who are you working for?

A. Inter-Island.

Q. How long you been working for that company?

A. Three years.

Q. Working steady?

A. Yes.

Q. What run have you got?

A. Crew.

Q. What steamer?

A. W. G. Hall.

Q. Last Saturday, May the 1st, what run were you on?

A. Kilauea.

Q. Bound for Hawaii?

A. Yes.

Q. How long did you work on the Kilauea?

A. One week.

Q. Was this your first trip on this boat?

A. Yes; first trip.

Q. Saturday?

A. Yes.

Q. You left Honolulu on Saturday at three o'clock?

A. Saturday at three o'clock.

Q. What time did you arrive at Lahaina?

A. At about nine o'clock.

Q. Did you row one of the boats that night?

A. Yes.

Q. Whose boat?

A. Hiku.

Q. Was that the first, second or third boat?

A. Second.

Q. You had some passengers?

A. Yes.

Q. How many?

A. Eight or ten.

Q. You know what race?

A. Some Hawaiian; some "Pake" (Chinese); woman, man and a girl, Hawaiians. Two children, Japanese and Chinese.

Q. Did you see any Japanese woman aboard there, too, that night?

A. Yes.

Q. How many Chinese?

A. I don't know.

Q. When you came in that night, what happened outside?

A. Big waves broke down on the boat.

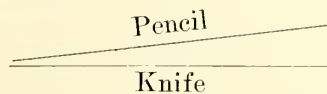
Q. How many waves struck the boat?

A. Only one.

Q. Who was boat-steerer?

A. Hiku.

Q. Who was struck?
 A. The other fellow.
 Q. Who was next to Hiku?
 A. Me.
 Q. Did you see the wave at all? Before it struck your boat?
 A. I see the wave come up pretty close to the boat.
 Q. Big one or small one?
 A. Big one.
 Q. Was it rough in the harbor?
 A. Rough.
 Q. Very rough?
 A. Yes.
 Q. Can you tell me what caused that boat to turn over? How did it come to turn over?
 A. The wave turned it over.
 Q. Did you see Hiku working that oar before this happened?
 A. I never look to him. I face around the boat.
 Q. Did you see him working his oar?
 A. I see him.
 Q. He was right in front of you?
 A. Yes.
 Q. What happened to Hiku?
 A. I don't know.
 Q. Did he fall down in the boat or outside of the boat?
 A. He was behind the boat standing up.
 Q. With the oar?
 A. With the oar.
 Q. At the time this wave struck the boat, did he say anything?
 A. No. I didn't hear him.
 Q. Did he tell you boys to row? You were still rowing?
 A. Yes.
 Q. Did you see him fall down?
 A. No.
 Q. Did you hear anything snap?
 A. No; I did not.
 Q. Can you tell me how that boat was heading? Now this is the wave (indicating with knife) and here is the boat (indicating with pencil). Can you tell me what direction that boat was headed?
 A. The wave came up like this (using knife for the wave) and the boat was like this (using pencil for boat):



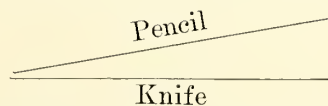
Q. Did Hiku tell you anything about the oar?
 A. No.
 Q. That surf caught the boat and turned it right over?
 A. Turned it right over.
 Q. What did you do then? What occurred?
 A. I seen only myself was underneath the boat. I dive under and come outside and meet some people swimming outside and I tried to help them.
 Q. What did you do?

A. I get them and give to the other boat,—the first boat.
 Q. What was that?
 A. Boatswain's boat.
 Q. Gave them to the steamer boat?
 A. Yes. The first one came in the harbor.
 Q. Did your oar snap at all?
 A. No.
 Q. Did Hiku tell you his oar snapped?
 A. Hiku told me on the wharf.
 Q. That his oar was broken?
 A. Yes.
 Q. At the time you left the steamer just before this thing happened, did you hear any passenger tell Hiku not to go where this boat was going?
 A. No.
 Q. Did you hear a girl say that?
 A. No.
 Q. Did you hear a fat man say that?
 A. No.
 Q. That place where the boat capsized, was it deep or shallow?
 A. Not very deep. About five feet.
 Q. There was a Japanese woman in there and one old man?
 A. Yes.
Coroner: Any questions?
Juror Philip Espinda: What man underneath the boat did you help?
 A. Girl about fourteen years old.
 Q. Was she outside the boat?
 A. Outside.
Juror Whitehead: Did all of the crew stay around the boat?
 A. Only myself alone.
 Q. Only you alone?
 A. Me and the boat-steerer.
 Q. And the other fellows swam ashore?
 A. I didn't see anybody. Too dark.
Coroner: Any further questions? (Pause.) Call the other boatman.

TESTIMONY OF AHIA MOEPOHO (SWORN).

Coroner: What is your name?
 A. Ahia Moepono.
 Q. Where do you live?
 A. Honolulu.
 Q. Where are you working?
 A. Inter-Island.
 Q. How long have you been working for them?
 A. Month and a half.
 Q. What run you been on?
 A. Hilo run.
 Q. Were you working for them last Saturday?
 A. Yes, I was transferred from the Manna Loa to the Kilauea.
 Q. You were on the boat coming in here Saturday night?
 A. Yes.
 Q. Who was the boat-steerer?
 A. Hiku.
 Q. You were on the second boat to come in that night?

A. Yes.
 Q. Your boat brought some passengers?
 A. Yes.
 Q. When you came in that night, what happened?
 A. Boat turned over.
 Q. How did that boat come to turn over?
 A. By the wave.
 Q. How did the wave catch that boat?
 A. Sideways.
 Q. How many waves caught that boat?
 A. One.
 Q. A big one?
 A. Yes.
 Q. Before you met with that accident, didn't someone tell Hiku not to go in that course?
 A. I didn't hear.
 Q. What oar were you pulling?
 A. Third oar.
 Q. Did you see a big half-white in that boat that night?
 A. Yes.
 Q. Did you hear him say anything about not going there?
 A. No.
 Q. Have you been into this harbor many times?
 A. Yes.
 Q. In coming in before, did you take the same course as this boat took that night?
 A. No.
 Q. What course would you take?
 A. Further up this way.
 Q. This night you were——
 A. (Int.) Too far down.
 Q. The boat steerer is the only one to steer that boat to the regular channel?
 A. Yes.
 Q. This place where you came that night was a different course altogether from what you took when you came up before this time?
 A. Yes.
 Q. Taking this knife to be the surf coming in this way and the pencil as the boat, in what position was the boat to the wave?
 A. This way. (Arranges knife and pencil thus:



Q. Did you tell Hiku he was in the wrong course that night?
 A. No. I didn't tell him.
 Q. Did you hear any member of the crew tell him he was in the wrong course?
 A. No.
Philip Espinda (Juror): You try and save any passengers?
 A. One of my legs was hurt and could not work so I swam ashore.
Coroner: Any other questions? (Pause.) Call Lipano.

TESTIMONY OF LIPANO (SWORN).

Coroner: What is your name?

A. Lipano.

Q. Where do you live?

A. Honolulu.

Q. Where are you working?

A. Inter-Island.

Q. How long you been working for them?

A. Between five and six months.

Q. What run you been working on.

A. This is the first run I have had on the Kilauea, last Saturday.

Q. You been to Lahaina port here plenty times?

A. Yes.

Q. Saturday night you were one of the crew in Hiku's boat?

A. Yes.

Q. On that boat there were a lot of passengers?

A. I think ten passengers.

Q. That night when you left the steamer and came in, tell the jury what happened when you came in on that boat?

A. We come in that night, we follow this light up here.

Q. The wharf light?

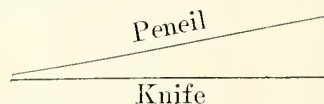
A. Yes. But we came in face out to the steamer and can't see. And we came up between the Japanee boat and came right up here and we saw waves coming right on top the boat and upset. That is the time we dive down and we help some of the passengers.

Q. How did this boat come to eapsize?

A. I don't know. All the waves come and strike in the boat.

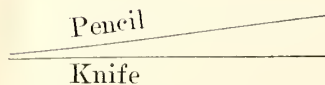
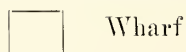
Q. What was the position of the boat before the wave struck it? Now here is the wave (indicated by pocket-knife) and here is your boat (indicated by pencil). Now show us how this boat was when the wave struck.

A. Here. (Arranges knife and pencil thus:



Q. Where was the wharf?

A. Here. (Using pencil to designate boat and his hand for wharf:



Q. Did you hear anything snap? Before the boat capsized?

A. No.

Q. Did you hear Hiku say anything?

A. No.

Q. Did you hear anybody tell Hiku not to come in that course?

A. No; I didn't hear.

Q. How many times have you come into this harbor?

A. Five months' time.

Q. And that course you came in that night, is that the regular course you have taken in coming in here?

A. No.

Q. Was the course you took last Saturday night further out, further down or further up in relation to the old course you always used to take?

A. Further down.

Q. Did you see Hiku fall in the boat?

A. No.

Q. Did you get everybody out from under the boat that night? Or did you get anybody at all?

A. I got one: the Japanese.

Q. Would you know the Japanese if you saw him again?

A. I don't know.

Q. There was a Japanese woman, too, on that boat that night?

A. I don't know. I didn't see.

Q. Was there an Okinawa Japanese in the boat?

A. Maybe. I don't know.

Q. Was there a Hawaiian woman?

A. Yes.

Q. Did you hear any girl tell you or tell Hiku not to come in that course?

A. No.

Juror Philip Espinda: You know anyone on the small boat?

A. Yes.

Q. What? Japanese, or what?

A. I don't know. I didn't see the face. It was dark.

Q. In the boat you in?

A. I don't know,—too dark.

Coroner: Any other questions? (Pause.) If not we will take a recess——

Mr. Sutton: Could I ask one question? You say that when you left the "Kilauea" you headed up for a Japanese boat that was anchored?

Coroner: Did you head for the Japanese boat when you left the steamer? Or did you head towards the "Komikila"?

A. We came in that night I could not see.

Coroner: He said he was facing the steamer in answer to a previous question. Now, we have about three or four more witnesses. We will take a recess now until one o'clock.

(Adjourned at 12:01 P. M. and reconvened at 1 P. M.)

Lahaina, Maui, 1 P. M., May 6, 1915.

(Coroner's Jury all present and in their seats.)

Coroner: Call John Saffery.

TESTIMONY OF JOHN SAFFERY (SWORN).

(Testified in Hawaiian, Coroner interpreting.)

Coroner: What is your name?

A. John Saffery.

Q. Where do you live?

A. Olowalu.

Q. Maui. Where were you on Saturday?

A. In Honolulu and took the steamer and came back.

Q. What steamer?

A. The "Kilauea".

Q. What time did you arrive at the harbor?
 A. Nine o'clock.
 Q. Who accompanied you on the boat?
 A. Myself, wife, two children, and a Chinese, two Okinawas, one Japanese and one girl.
 Q. What boat did you take in coming to the landing?
 A. The second boat.
 Q. Who was the boat-steerer of the boat that brought you in?
 A. A big, stout Hawaiian boy but I don't know his name.
 Q. Where is he now?
 A. I saw him in the courtroom but he was the boat-steerer.
 Q. How many men constituted the crew of this boat?
 A. Four men outside of the boat-steerer. Of these four three were rowing and one was not.

Q. State to the jury what happened, if anything.

A. When we left the steamer, which laid out at anchor way below here, we came up in an upward direction. We came along there, and then I saw a big surf ahead of us so I told the boat-steerer "we are too far down. Let's get up closer." He didn't say anything in response. All at once the surf caught the boat and we capsized. The boat didn't surf on the surf at all. He turned the boat and we capsized and was caught by the surf. When the boat capsized we were around there a while in the water bobbing up and down and I was the first one to get out from under the boat and one Chinaman that I pulled out from under the boat. I thought it was my wife so I pulled him out. That is the time I got on the keel of the boat, and the only one I saw there then was the boat-steerer. When the boat-steerer saw me, he told me to try and pull the boat out. I told him "No, pull the boat in." I told him "No use pulling the boat out, pull it in" as we were standing then. After a little while Katie Keao came from under the boat. When she came from under the boat, I could not go to her assistance as I was holding a child, and we were there for some time. During that time the skiff arrived and the little child and this girl got on and were rowed away. I then got off the keel and dove under, the place between the boat and the land being so small, though, I was afraid my head would get caught. While I was on the keel of the boat again I heard the voice of my child under the boat calling "Papa, Papa". After a while there was a lot of people around. It was a long time after the first boat that left the steamer arrived to our rescue and they turned the boat over. During that time Ninau, a Hawaiian, got under the boat from the back end and rescued my wife and child. When my wife came to the surface, she was pretty well exhausted. After that we got on this boat that came to the rescue and were brought to the wharf.

Q. When you left the steamer and started for shore and were struck by the surf, how many surfs did you see strike the boat?

A. The first one didn't hit the boat. After we passed that, the second one started and before we were struck by that wave the boat-steerer turned the boat and the wave struck us and capsized the boat.

Q. At the time before the surf struck the boat, in what direction was the boat at the time the surf struck the boat?

A. The boat was straight ahead. Right ahead.

Coroner: I asked him to explain the position of the boat when it was struck by the first one and he says in this position:

Boat

Wave

He says the second surf caught the boat in this position:

Boat

Wave

After the first swell the boat-steerer turned the boat in this direction:

Boat

Wave

when the second swell caught it.

Q. Did you tell him this place was dangerous?

A. I told him we were too far down. He didn't make any response and the boys kept on rowing.

Q. After the boat capsized, you seized this Chinaman?

A. When I seized Akana he was not dead.

Q. What did you say to him when you had him?

A. I told him to go in a straight direction but he was exhausted.

Q. Did you not see an Okinawa lady?

A. I did not see her at that time, but she was on the boat with my wife and Katie Keao.

Q. Did anybody else tell the boat-steerer the dangerous position they were in?

A. No. I was the only one to tell him that we were too far down, but he didn't say anything to me. Right after I told him the dangerous position we were in, the second swell caught us and we capsized.

Juror D. Espinda: Did you hear the snap of an oar?

A. No.

Coroner: Where were you sitting in relation to the boat-steerer?

A. I was right ahead of him.

Q. Did you notice that boat-steerer at any time before the boat capsized fall upon you?

A. No. If he had fallen, he would surely fallen upon us.

Juror Philip Espinda: Were you the only two there?

A. No. Several others.

Q. Where were the boat boys after the boat capsized?

A. I don't know. They were not there,—only the boat-steerer and myself; nobody else. I told Akana to go to shore in a straight direction. I don't know if he went in that straight direction that I told him. I was looking after my little child.

Q. Was that Japanese on the keel of the boat?

A. No. On the inside of the boat.

Q. Who went in and got the Japanese from under the boat?

A. Himself. He, that Japanese, husband of this deceased woman, and child: they came out themselves. Nobody went and got them. I could not go to their rescue, I had my child.

Q. Are you in the habit of going in and out of this harbor?

A. Yes.

Q. That course that the boat took that night, is that the course generally taken by boats coming to the landing?

A. No. Except when it is very calm. I have never seen boats take that

course in rough weather. They might when they are fishing or in smooth weather.

Mr. Sutton: Did I understand him to say that the Japanese woman was on the keel of the boat sitting next to his wife?

(Coroner speaks in Hawaiian to witness.)

Coroner: No.

Mr. Murphy: I would just like to ask: Did he remain around the scene of the accident until the boat was turned back?

A. Yes.

Q. Where was the boat at the time it was righted?

Coroner: When it was righted?

Mr. Murphy: Yes.

A. I don't know. I was not there.

Mr. Mossman: Will you ask if he saw the steerman's oar broken?

A. No.

Coroner: Call Katie Keao.

TESTIMONY OF KATIE KEAO (SWORN).

Coroner: What is your name?

A. Katie Keao.

Q. Where are you living?

A. Olowalu.

Q. How old are you?

A. Nineteen years old.

Q. Last Saturday where were you?

A. Coming from Honolulu.

Q. What steamer did you come up on?

A. "Kilauea."

Q. Who came with you on the boat?

A. My uncle.

Q. Who is that?

A. John Saffery.

Q. John Saffery?

A. And two little kids, and some Japanese?

Q. And Chinese?

A. Yes, sir.

Q. What boat did you come in on?

A. The second boat.

Q. Who was the boat-steerer of that boat?

A. Fat man.

Q. The one that was on the stand this morning?

A. Yes.

Q. After you got off the steamer and got on this boat and came for the wharf, anything happen?

A. Yes.

Q. What happened?

A. Boat capsized.

Q. Tell the jury what happened when you came on the boat with your uncle and the rest of them.

A. When we came back, the boat was capsized and we was all underneath the boat.

Q. How did that boat come to capsize?

A. By the wave.

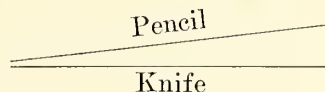
Q. How many waves did you see?

A. Two waves. But the first wave was not so trouble, but the second wave capsize.

Q. Do you remember, Katie, what direction that boat was when the wave struck the boat?

A. Turning inside.

Q. You show us. Now, this is the wave (pocket-knife) and this is the boat (pencil). Now, tell me how that boat was when the wave struck the boat.



A. Like this:

Q. After the wave hit the boat you got under the boat?

A. Yes.

Q. Who helped to pull you out?

A. Myself.

Q. When you got out from under the boat, who did you see around?

A. My uncle and little girl.

Q. Anybody else?

A. One sailor.

Q. Do you know who that was?

A. I don't know.

Q. Did you see this Chinaman that is dead? Do you know this Chinaman, Akana,—did you see him after that?

A. No.

Q. Did you see the Okinawa woman?

A. I came out.

Q. Who brought you ashore?

A. Eugene. I don't know his last name.

Q. A tall fellow on a small boat?

A. Yes.

Q. You and who?

A. Me and the little girl.

Q. When you came in after you left the steamer and came along, did you see any big waves first?

A. No.

Q. When did you first see the wave?

A. When we came from the steamer, we did not see any wave ahead of us.

I was facing up here.

Q. When did you see the second wave?

A. The sailors were saying: "Go ahead."

Q. Before this wave struck you, did you hear anybody say anything?

A. Yes.

Q. Who?

A. The sailors.

Q. What did they say?

A. My uncle says to go up. They say never mind and they turn the boat and went up this way.

Q. Then that is the time the wave struck the boat and turned it over?

A. Yes.

Q. And you were underneath?

A. Yes.

Q. When you came out, was your aunty outside already?

A. No. Underneath.

Q. When you got outside, did you see the Chinaman after that?

A. No.

Q. Did you say anything to the boat-steerer?

A. I told him he was damn fool. They ought to turn up this way.

Q. When was that you told them?

A. After the boat capsized, and I came out.

Q. Who did you tell that to?

A. I don't know who it was. When I came out, there was only one sailor.

Coroner: Any questions?

Juror Whitehead: She says there was one sailor. Does she know which particular sailor it was?

A. I can't see plainly. I saw only one was there.

Q. You don't know whether that was the man who steered the boat or not?

A. I don't know.

Coroner: Any other questions?

Mr. Mossman: Did anybody put her on the keel of the boat?

(*Coroner repeats question to witness.*)

A. Yes. One sailor. The one that was outside when I came out.

Q. Did Eugene take you off the boat?

A. No. I came off myself and the sailor picked me up and put me on the boat that was capsized.

Q. Where did Eugene get you?

A. On the other boat. From that boat he put me in a small boat.

Coroner: Who took you from the overturned boat to the boat that came to the rescue?

A. Same sailor.

Coroner: Call that Japanese man.

(N. K. Otsuka sworn as Japanese Interpreter.)

TESTIMONY OF ROYORO KUWAYE (SWORN).

Coroner: What is your?

A. Royoro Kuwaye.

Q. Where do you live?

A. Paauhau, Hawaii.

Q. Where were you on Saturday, May 1st, in the morning?

A. Honolulu.

Q. When did you leave Honolulu?

A. About half-past two in the afternoon.

Q. Where did you go to on that day?

A. Came to Lahaina.

Q. Who came with you?

A. My wife.

Q. Where is your wife now?

A. She is dead and buried in Paia, this island.

Q. When were you married to her?

A. The marriage ceremony was performed by Reverend Okamura on that day.

Q. What day?

A. Oh, April 28th this year.

Q. How did your wife come to meet her death?
 A. The boat capsized and she drowned.
 Q. Were you on the same boat?
 A. Yes.
 Q. Where?
 A. Just in front of the Lahaina wharf.
 Q. You were on the same boat with her?
 A. Yes.
 Q. How did that boat come to capsize?
 A. I don't know why because my wife and myself stood down on the bottom of the boat so we could not see the outside, but that happened so suddenly I don't know myself how it capsized.
 Q. How old was your wife?
 A. Twenty-four.
 Q. What country was she a native of?
 A. My wife's name is Ushi and she born in Okinawa Prefecture, Japan.
Mr. Sutton: Where was he married?
Coroner: Where was he married?
 A. Honolulu,—in Reverend Okamura's house in Honolulu.
Coroner: Call the next witness.

TESTIMONY OF C. AIU (SWORN).
 (No Interpreter used.)

Coroner: What is your name?
 A. C. Aiu.
 Q. Where do you live?
 A. Lahaina.
 Q. Maui?
 A. Yes, Maui.
 Q. How long you stay here?
 A. I stay Lahaina five year. I stay Kaanapali eighteen year.
 Q. You know one Chinaman by name of Akana?
 A. Yes.
 Q. What is other name?
 A. Chow Soy.
 Q. Where is he now?
 A. (In Hawaiian.) Died on the over-turning of the boat.
 Q. You see his dead body?
 A. Yes, Saturday evening about ten o'clock. (In Hawaiian): In the evening while I was writing out my bills, I heard yelling down here at the waterfront and so I came out and saw a lot of people gathered around the wharf and so I came down. About ten o'clock I came down again and saw the body of Chow Soy.
 Q. Do you know this photograph?
 A. Yes, that Akana.
 Q. How long do you know this man?
 A. More twenty-two year.
 A. How old is he?
 A. Sixty-five year old.
 Q. What country is he from?
 A. China.
Mr. Sutton: What did this man Akana do?
 (Interpreted into Hawaiian by Coroner.)

A. He just arrived from Honolulu coming to see a grandchild.
 Q. Did he live here before his death?
 A. (Interpreted from Hawaiian.) He frequently comes here and goes to Wailuku.
 Q. He does not know where he lives?
Coroner: (After talking to witness in Hawaiian.) Stays in Honolulu most of the time.
 Q. Is he a married man?
 (Translated into Hawaiian.)
 A. He has a wife,—a big stout woman who used to live with him before.
 Q. Do you know if he has a married wife?
 (Translated.)
 A. I know he has because he told me so. He was married to her in Lahaina.
 Q. What was the name of the wife before she was married?
 (Translated.)
 A. Julia.
 Q. A Hawaiian girl?
 (Translated.)
 A. Yes.
Mr. Sutton: I have nothing further.
Mr. Coroner: Now, gentlemen, that is all the evidence we have to introduce before you. Now, you will consider your verdict after we have retired.
 (Jury start deliberations 2:10 P. M.)
 3 P. M. announce that they have arrived at a verdict.
 (Coroner reads verdict in presence of the jury and inquires if that is their verdict, to which they responded in the affirmative.)
 (Jury dismissed.)

CERTIFICATE OF STENOGRAPHER.

I HEREBY CERTIFY that the foregoing is a full, true and correct transcript of my shorthand notes taken at the Inquest had in the matter of the death of USHI KUWAYE and CHOW SOY at Lahaina, Maui.

Dated at Wailuku, Maui, May 11, 1915.

WM. S. CHILLINGWORTH,
 Stenographer.

[10-cent U. S. I. R. Stamp]

TESTIMONY GIVEN BEFORE A. J. GIGNOUX, COMMISSIONER OF THE PUBLIC UTILITIES COMMISSION, ON BOARD THE S. S. "KILAUEA", IN HONOLULU, ON SATURDAY, MAY 8, 1915, AT 8:30 A. M., IN CONNECTION WITH AN ACCIDENT WHICH OCCURRED AT LAHAINA, MAUI, IN WHICH TWO LIVES WERE LOST THROUGH THE SWAMPING OF ONE OF THE "KILAUEA'S" BOATS WHILE LANDING PASSENGERS AT THAT PORT ON MAY 1, 1915.

Transcript of Testimony Given at Hearing Held on S. S. "Kilauea" on May 8, 1915.

Present:

Mr. A. J. Gignoux, Commissioner, Public Utilities Commission,
Mr. H. P. O'Sullivan, Secretary, Public Utilities Commission,
E. W. Sutton, Esq., attorney for the Inter-Island Steam Navigation Co., Ltd.,
Capt. F. M. Berg, Master of the s. s. "Kilauea",
Hiku, boat-steerer, s. s. "Kilauea",
Noepano, sailor, s. s. "Kilauea",
Lipano, sailor, s. s. "Kilauea",
Moki, sailor, s. s. "Kilauea",
Umauma, sailor, s. s. "Kilauea", and
Kiaha, boatswain, s. s. "Kilauea".

TESTIMONY OF CAPT. FRANK M. BERG.

Commissioner Gignoux: What is your name?

A. Frank M. Berg.

Q. And your duty?

A. Master.

Q. Of the s. s. "Kilauea"?

A. Yes, sir.

Q. You were on duty when this accident happened?

A. Yes, sir.

Q. At what time was it, Captain?

A. At 9:20—about 9:20 in the evening.

Q. Were you en route to Hilo from Honolulu?

A. Yes, from Honolulu via Lahaina.

Q. What were the weather conditions at that time?

A. Very fair. A slight southwesterly wind. Very, very small swells.

Q. The boat in which the accident happened was manned by how many men?

A. Five men. Boat-steerer and four oarsmen.

Q. Do you know whether or not they had any experience in landing at Lahaina before?

A. They were old-timers—all old natives. Boat-steerer been with me a year and a half on the "Mauna Kea".

Q. Had they gone into Lahaina before?

A. Yes, lots of times.

Q. Were the men sober at the time?

A. Yes, sir, absolutely sober, to the best of my knowledge. I saw them go into the boat, I did not see any sign of liquor on any of them. As a rule, after the leave Honolulu they are sober.

Q. Will you recite, as near as possible, the experience when the boat landed?

A. Well, they sent the first boat ashore with the cabin passengers and mail—that went in very nice. Second boat sent in ten steerage passengers and their hand baggage and one trunk. Quite a time before the boat landed and I saw a red light on the landing. I immediately lowered the third boat and sent the Purser ashore to find out what the trouble was about. I did not see any trouble there. The Purser came back and reported that the second boat that went in capsized and reported two passengers missing. All the oars were spilled and I supplied the Purser's boat with oars for the swamped boat, and sent the Second Officer in there to take charge. He left there 10:55. At that time the Chinaman was found, at the time the steamer left. Disclosed afterwards he died of heart failure.

Q. How did you ascertain that—how did you ascertain that he died of heart failure?

A. A doctor at Lahaina.

Q. Dr. Burt?

A. A lady told me. We left there at 10:52. At that time nothing had been seen of the missing woman. She was found at 12:30, she was found at 12:30—the Japanese woman—the body. That is about all. There were no witnesses to the accident. As far as weather conditions were, it was absolutely fair.

Q. What is the condition of the entrance to that wharf?

A. They have a fairway buoy there. Get that light with the line of the lighthouse you are absolutely sure of the channel, but as far as the bearings, etc., the natives do not know anything about that—they just get the two lights and go in.

Q. What is customary regarding the searchlight, do you use it very much?

A. We do not use it.

Q. Would it be a help to the boats?

A. It blinds the boats.

Q. I am speaking of when a boat is going in.

A. It is not customary to use the light unless it is rough. We always have an officer on shore anyway.

Q. I thank you very much, Captain; that is all.

TESTIMONY OF HIKU.

Q. What is your occupation? What do you work?

A. Sailor.

Q. What were you doing in the boat that you went ashore?

A. I was steering the boat.

Q. Tell us all about the weather conditions.

A. The weather rough.

Q. The weather was a little rough?

A. A little rough.

Q. Do you mean the weather above?

A. The sea. When we go to Lahaina we come in where the harbor. We do not see any waves coming in the channel. We come inside and start by wharf. My oar broke.

Q. What else happened?

A. When the time we all turn over underneath the boat we all help the passengers. I remember that I put a man on the keel of the boat, and a baby, a Japanese, and a girl about fourteen or fifteen years old and one lady underneath the boat with one baby. I dive underneath the boat to look for more pas-

sengers underneath the boat. I find the lady and the baby. I hold the lady with my left hand and I hold the baby with my right hand and I dive inside the boat and come out on the outside. In that time it was too dark—too dark that time. I put all those passengers on the keel of the boat, about twelve or ten men. The boat already there. I don't know some of them they go on the small boat or big boat, some passengers on the small Japanese boat or the big one. I stay alongside that boat somewhere around an hour and a half or two hours and we turn that boat over to look something inside there and we don't find anything. We put the boat alongside the wharf and we call to tell the fellows who can help us for a bucket to bail the water. Some of the men they give a bucket to bail the water and I bail that water.

Q. How many persons were in the boat?

A. Eight or ten passengers.

Q. Did you know about the missing passengers? Did you know they were missing—the Japanese and the Chinaman that were drowned? Did you know at the time when——

A. I could tell, but I did not see any Chinaman.

TESTIMONY OF NOEPANO.

Q. What is your name?

A. Noepano.

Q. What do you do?

A. I am one of the crew of the boat of "Kilauea".

Q. Were you in the boat that capsized at Lahaina?

A. Yes.

Q. Just tell us the story what you know about it.

A. It was about eight o'clock on Saturday night we landed at Lahaina, and so we all get into a boat and the eight passengers with us and went ashore. About half way from the landing to the boat we capsized by the wharf. After we turned over I tried my best to get out of the boat. After I get out of the boat I tried to save some of the passengers. One of my legs was played out and I could not do much. So I swam ashore and tried to holler for help, and one of our boats came along and picked some passengers.

Q. What kind of weather was it there?

A. Rough weather.

Q. Was it raining?

A. No.

Q. Much wind?

A. Not much wind.

Q. How were the waves?

A. Rough.

Q. If a searchlight been playing there would it help you?

A. No; it was after.

Q. Suppose when the boat first put off, would that be good for you?

A. No, I don't think so.

Q. That is all right, Noepano, that is all. Thank you.

TESTIMONY OF LIPANO.

Q. What is your name?

A. Lipano.

Q. What do you do? Are you a sailor of this boat?

A. Yes.

Q. "Kilauea"?

A. Yes.

Q. You were in the boat that capsized at Lahaina?

A. Yes.

Q. Tell us all about it?

A. When we went up to the shore we follow to the light up to the wharf and when we close big waves came in and turned the boat over. And after that we call help and we just go help, and the other boat come and help us.

Q. When the boat capsized what did you do?

A. I dive down and I come up from the boat and just help the other people.

Q. How many people did you help?

A. Japanese, one Japanese, get on top boat.

Q. Did you see any of the people that were drowned—the Chinaman and Japanese that were drowned?

A. No.

Q. What kind of weather was it at that time? Was the sea rough?

A. Oh, yes, pretty rough.

Q. How was the weather up above? Any rain?

A. No rain, but it was dark.

Q. What time?

A. Between eight and nine, somewhere about half-past eight.

Q. If the searchlight been playing all the time from the ship would that have been good for you?

A. Good.

Q. Good to have light all the time?

A. Not all time—hard on eyes.

TESTIMONY OF MOKI.

Q. What is your name?

A. Moki Smith.

Q. What do you do?

A. Working for the Inter-Island.

Q. On the "Kilauea"?

A. Yes.

Q. Sailor?

A. Sailor.

Q. Were you in the boat that capsized?

A. Yes.

Q. Tell us all you know about that?

A. When I was in the boat big waves were breaking down inside the boat. The boat capsized. When the boat capsized I was underneath the boat. When I came out from underneath the boat I helped some people to get on the boat. After I put them on the boat I swam ashore.

Q. You helped how many people?

A. I helped one girl—big girl.

Q. Did you see the two people that were drowned?

A. No, I did not see them.

Q. About how many people were in the boat?

A. About eight or ten.

Q. What kind of weather was it there?

A. Rough weather.

Q. How was it above—any rain?

- A. No; no rain.
 Q. About what time was it?
 A. About nine o'clock.
 Q. Suppose they use searchlight all the time, would it be good all the time?
 A. No. Searchlight no good. Can't see.
 Q. That is all, Moki.

TESTIMONY OF UMAUMA.

Hiku acted as interpreter.

- Q. What is your name?
 A. Umauma.
 Q. What do you do?
 A. Sailor.
 Q. What boat?
 A. "Kilauea."
 Q. Were you in the boat when it capsized at Lahaina?
 A. Yes.
 Q. Tell us the story about it.
 A. When we left the "Kilauea" we did not see any big waves, and when we come in big waves strike the boat and capsized, and we help the passengers.
 Q. Did you help any passenger yourself?
 A. I help one Chinese.
 Q. What did you do then? You helped one Chinese—what did you do then?
 A. I put on the keel of the boat.
 Q. What did you do yourself?
 A. I called for help. When I called for help one boat of the Inter-Island came over there and took the Chinese to shore and the wharf.
 Q. About what time was that?
 A. I don't remember what time it was.
 Q. How many people in the boat?
 A. About eight or ten.
 Q. What kind of weather was it there?
 A. Rough.
 Q. If the light from the ship was used, would it be a good thing to the boats going ashore?
 A. I saw the light.
 Q. When you first lowered the boat to go into Lahaina would it be a good thing to have the searchlight playing all the time?
 A. It would be kind of bad. It was too dark.

FURTHER TESTIMONY OF HIKU.

Mr. Sutton: Hiku, you said that the weather was a little rough, the wind was not blowing hard, but you said that it was rough on the inside. You did not mean rough where the "Kilauea" was?

- A. No.
 Q. Is it always rough at Lahaina?
 A. Sometimes rough, sometimes no rough.
 Q. You have been in Lahaina many times?
 A. Many times.
 Q. Sometimes just as rough as this time, sometimes rougher?
 A. That time we go in there rough.

Q. Was it very rough?
 A. Not very rough.
 Q. What do you think it was that made the boat capsize?
 A. When the steer broke and the boat come swamped. When the oar broke I could not steer.
 Q. When the wave broke, did it break the oar?
 A. Yes.
 Q. That one wave broke your oar and capsized the boat?
 A. Yes.
 Q. One big wave—not two?
 A. Yes, one big wave.
 Q. Did the wave come in from behind or in front?
 A. From behind.
 Q. Straight behind?
 A. I could not see whether straight behind or this way (indicating from the right). It was too dark.

TESTIMONY OF KIAHA.

Mr. Gignoux: What is your name?
 A. Kiaha.
 Q. What do you do on the boat?
 A. Boatswain.
 Q. At the time of the accident at Lahaina, what boat were you in?
 A. First boat.
 Q. Did you get in all right?
 A. Yes.
 Q. Did you see the accident at all?
 A. I did not see, but I hear them cry for help.
 Q. Did you help them?
 A. Yes, we help the passengers. When we were alongside the wharf we unloaded our mail. So we unload the mail first and we go right to help them.
 Q. What were the weather conditions?
 A. Southwest wind. Little rough in there but not so much at the time we came in.
 Q. Did you follow the channel right in?
 A. The first boat?
 Q. Yes.
 A. Yes, we followed the channel right in.
Mr. Sutton: How where the "Kilauea" was anchored, was it rough out there?
 A. Not rough.
 Q. Where did it begin to get rough?
 A. At the beginning of the channel.
 Q. Rough a little way and smooth by the wharf?
 A. Yes.
 Q. When you came between the two reefs, it was rough there?
 A. Yes.
 Q. Were the waves breaking in the channel?
 A. Yes.
 Q. This time were they breaking?
 A. This time, no.

(The taking of testimony ended at 9:40 a. m.)

BEFORE THE PUBLIC UTILITIES COMMISSION IN AND FOR THE
TERRITORY OF HAWAII.

Subpoenas.

In the Matter of the Investigation of
an Accident to a Boat of the Inter-
Island Steam Navigation Company,
Limited, and to the Passengers there-
in at Lahaina, Maui, on or about
May 1, 1915.

SUBPOENA.

THE TERRITORY OF HAWAII:

TO THE HIGH SHERIFF of the Territory of Hawaii, or his Deputy: the
Sheriff of the City and County of Honolulu, or his Deputy: or any Deputy
Sheriff or Police Officer in the Territory of Hawaii:

YOU ARE COMMANDED TO SUBPOENA:

John Saffery,
Katie Kaeo

to appear at the Rooms of the Public Utilities Commission in the Kauikeolani
Building, at Honolulu, before said Public Utilities Commission on the 17th day
of July, 1915, at 10 o'clock A. M., to testify as witnesses in the above entitled
matter.

Hereof fail not, and of this process make due return.

WITNESS the Public Utilities Commission of the Territory of Hawaii, this
14th day of July, 1915.

CHARLES R. FORBES,
Chairman.

Served the within Subpoena by reading the same to the within named John
Saffery, Katie Kaeo at Olowahu, County of Maui, T. H., this 15th day of July,
1915.

JOHN FERREIRA,
Deputy Sheriff, County of Maui.

PUBLIC UTILITIES COMMISSION, TERRITORY OF HAWAII.

SUBPOENA.

Issued at 9:30 o'clock A. M., July 14, 1915.

H. P. O'SULLIVAN, Secretary.

Returned at 2:30 o'clock P. M., July 15, 1915.

H. P. O'SULLIVAN, Secretary.

BEFORE THE PUBLIC UTILITIES COMMISSION IN AND FOR THE
TERRITORY OF HAWAII.

In the Matter of the Investigation of
an Accident to a Boat of the Inter-
Island Steam Navigation Company,
Limited, and to the Passengers there-
in at Lahaina, Maui, on or about
May 1, 1915.

SUBPOENA.

THE TERRITORY OF HAWAII:

TO THE HIGH SHERIFF of the Territory of Hawaii, or his Deputy: the
Sheriff of the City and County of Honolulu, or his Deputy: or any Deputy
Sheriff or Police Officer in the Territory of Hawaii:

YOU ARE COMMANDED TO SUBPOENA:

Wai Chueng Kong and Naokichi Misokami

to appear at the Rooms of the Public Utilities Commission in the Kauikeolani
Building, at Honolulu, before said Public Utilities Commission on the 17th day
of July, 1915, at 10 o'clock A. M., to testify as witnesses in the above entitled
matter.

Hereof fail not, and of this process make due return.

WITNESS the Public Utilities Commission of the Territory of Hawaii, this
14th day of July, 1915.

CHARLES R. FORBES,
Chairman.

Served the within Subpoena by reading the same to the within named
Wai Chueng Kong and Naokichi Misokami at Lahaina, Maui County, this
15th day of July, 1915.

C. R. LINDSAY,
Deputy Sheriff.

PUBLIC UTILITIES COMMISSION, TERRITORY OF HAWAII.
SUBPOENA.

Issued at 9:30 o'clock A. M., July 14, 1915.
H. P. O'SULLIVAN, Secretary.

Returned at 2:30 o'clock P. M., July 15, 1915.
H. P. O'SULLIVAN, Secretary.

MUTUAL TELEPHONE Co., LTD., (Wireless Dept.)
Honolulu, Office, July 15|15.

To:

SHERIFF CROWELL
Maui

Instruct Henry P. O'Sullivan to summon Mr. and Mrs. Saffrey to appear
before Public Utilities Commission.

CHARLES R. FORBES,
Chairman.

BEFORE THE PUBLIC UTILITIES COMMISSION IN AND FOR THE
TERRITORY OF HAWAII.

In the Matter of the Investigation of
an Accident to a Boat of the Inter-
Island Steam Navigation Company,
Limited, and to the Passengers there-
in at Lahaina, Maui, on or about
May 1, 1915.

SUBPOENA.

THE TERRITORY OF HAWAII:

TO THE HIGH SHERIFF of the Territory of Hawaii, or his Deputy: the
Sheriff of the City and County of Honolulu, or his Deputy: or any Deputy
Sheriff or Police Officer in the Territory of Hawaii:

YOU ARE COMMANDED TO SUBPOENA:

Papu Saffrey,

to appear at the Rooms of the Public Utilities Commission in the Kauikeolani
Building, at Honolulu, before said Public Utilities Commission on the 17th day
of July, 1915, at 10 o'clock A. M., to testify as witnesses in the above entitled
matter.

Hereof fail not, and of this process make due return.

WITNESS the Public Utilities Commission of the Territory of Hawaii, this
14th day of July, 1915.

CHARLES R. FORBES,
Chairman.

Served the within Subpoena by reading the same to the within named
Papu Saffrey at Olowalu, County of Maui, Terr. of Haw., this 16th day of
July, 1915.

JOHN FERREIRA,
Deputy Sheriff, County of Maui.

PUBLIC UTILITIES COMMISSION, TERRITORY OF HAWAII.

SUBPOENA.

Issued at 9:30 o'clock A. M., July 14, 1915.
H. P. O'SULLIVAN, Secretary.

Returned at 11:55 o'clock A. M., July 16, 1915.
H. P. O'SULLIVAN, Secretary.

Transcript of Testimony Given at Hearings Held on July 16 and 19, 1915.

BEFORE THE PUBLIC UTILITIES COMMISSION IN AND FOR THE
TERRITORY OF HAWAII.

In the Matter of Investigation in re Death by Drowning of Ushi Kuwaye and Chow Soy, Through the Overturning of a Boat of the S. S. Kilauea of the Inter-Island Steam Navigation Company, at Lahaina, Maui, May 1st, 1915.

TRANSCRIPT OF TESTIMONY TAKEN BEFORE THE COMMISSION AT HONOLULU, H. T., ON THE 16TH AND 19TH DAYS OF JULY, 1915.

COMMISSIONERS:

Charles R. Forbes, Chairman,
J. N. S. Williams,
A. J. Gignoux.

APPEARANCES:

For the Commission:
Deputies Attorney General A. G. Smith and L. P. Scott.

For the Inter-Island S. N. Company:
Messrs. E. W. Sutton and L. J. Warren.

JULY 16, 1915.

The Commission was called to order at the hour of two o'clock p. m., Chairman Forbes presiding, and all the members of the Commission being present.

There were also present Deputy Attorney General Arthur Smith, representing the Territory of Hawaii, and Mr. E. W. Sutton, representing the firm of Smith, Warren & Sutton, attorneys for the Inter-Island Steam Navigation Company.

The following proceedings were then had and testimony taken:

The Chairman: The purpose of this hearing is to take up the question of the accident that occurred at Lahaina on May 1st, of this year. I think we will suspend the reading of the minutes of any previous meetings and likewise we will suspend the reading of any evidence other than the Coroner's findings. Will you read them, Mr. Secretary?

The Secretary thereupon read the findings or verdicts of the Coroner's inquests.

The Chairman: We will call Mr. Penhallow as the first witness in this case.

HON. H. B. PENHALLOW

was called as a witness, was duly sworn, and testified as follows:

By Mr. Forbes:

Q. What is your full name?

A. H. B. Penhallow.

Q. Your place of residence?

A. Wailuku.

Q. Were you aboard the Kilauea on the night of this accident?

A. I was.

Q. Tell us the position of the vessel at nine or nine-thirty, at the time of the accident, between nine and nine-thirty, to the best of your knowledge.

A. She was lying at about her usual anchorage, I should say.

Q. The vessel was lying at her usual place?

A. About that. I couldn't say definitely, but they came in there somewhere near the buoy.

Q. How far was the vessel from shore, do you think?

A. Well, that is pretty hard to say. I don't think she was any unusual distance; at the usual place they come to anchor. It varies from time to time. She was some little ways below the buoy, I should say.

Q. Did you notice any commotion on the vessel as the passengers disembarked in the small boats?

A. Nothing unusual.

Q. You were in the first boat, were you not, Mr. Penhallow?

A. I was, with my wife.

Q. How many passengers were in this boat?

A. I really couldn't say—half a dozen or so, perhaps.

Q. How long did it take you to make the trip from the Kilauea to the wharf?

A. Well, I couldn't state the exact number of minutes.

Q. Approximately?

A. It was not any unusual time. We came in the usual way as fast as the crew could row us. It was an ordinary crew.

Q. Had you ever been in a boat with some members of the crew that were rowing this boat, and did you know any of them so as to recognize them?

A. I couldn't say. Perhaps, possibly, the freight clerk, but the crew I couldn't say definitely.

Q. Describe the weather, please, on this night.

A. Well, it was an ordinary landing, neither rougher than usual or calmer. I should say it was just an average night there at Lahaina. I know I made inquiry on the boat. I had heard they lost a boat the night before, and when we got opposite Lahaina I asked the purser, who was standing at the gangway, how the landing was, and he looked ashore and saw no red lights, and said it was all right.

Q. You have made many trips from vessels at Lahaina before?

A. Yes; quite a number.

Q. Have you ever experienced any rougher weather than you did on this particular night?

A. Oh, yes, sir; much rougher surf.

Q. Did all the passengers in your boat land safely at the wharf?

A. Yes.

Q. Where were you when you heard the cries for help?

A. Standing on the wharf waiting for my baggage to come ashore.

Q. Was your baggage in the first boat?

A. It was.

Q. How long after you arrived before you heard the cries for help?

A. The boat was not yet unloaded.

Q. The first boat was not yet unloaded?

A. No.

Q. What was done from shore that you saw towards going to the relief of the distressed boat?

A. As near as I can remember I believe the men in the boat heard the cry first and they started away from the landing before we really realized the other boat was in trouble, but they called ashore that the boat had capsized or

something like that and several parties started out in small skiffs over to the other boat; and there were a number of machines there, and after we realized that there was a boat in trouble the machines were turned around and we turned the lights on the surf.

Q. Had your baggage been discharged from the boat?

A. It had not.

Q. It had not?

A. No; and, if I remember correctly, I think some of the mail still remained in the boat.

Q. And the first boat pulled away from the Lahaina wharf for the rescue with some of the baggage and the mail still in the boat?

A. Immediately. They didn't wait for anything.

Q. And you were there when the boat came back?

A. Yes.

Q. What came back in the first boat that went to the rescue?

A. As I recollect, that boat didn't come back immediately, but I think a man named Devauchelle brought a woman and a child ashore or a child, and then later I think Mr. Saffery and his wife came ashore in the big boat. I am not exactly clear. It was rather a confusing time and I didn't watch very carefully to see who came there in the boat. I know everything was done by the Inter-Island boat crew and those on shore to get the people in trouble out of the surf.

Q. How do you know that?

A. By observation.

Q. Was it light enough to see what the first boat was doing at the rescue?

A. We could see them out there dimly from the lights of the machines, and my recollection is that they brought those two people ashore.

Q. You could not see the operations?

A. I could not see the operations. We could see the dim appearance of the boat out there.

Q. Was you there when the second boat came in, the upturned boat?

A. It didn't come in to the wharf, according to my recollection.

Q. You didn't see the second boat at all, then?

A. My recollection is I did not see it; that is, close by. I think later on we saw it close in by the end of the stone wall down there towards the beach.

Q. Did you see any of the passengers of this second boat?

A. I saw Mr. and Mrs. Saffery or whoever was brought ashore—a little child and a Japanese woman.

Q. Mr. and Mrs. Saffery and a child—Mrs. Saffery's child?

A. No; I think it was a Japanese child.

Q. And a Japanese woman?

A. Yes; and possibly a man. I really cannot say. There were a number of people waiting, some of the rescuing party and passengers, and not knowing any of them—the only reason I know that woman was in the boat it was told me she was one that was brought ashore.

Q. How long did you remain on the wharf after this accident?

A. Shortly after the other boat came back and I got my baggage; and about that time they reported someone had been washed ashore at Mr. Zetdwitz' place.

Q. Did you see the remains?

Q. No, sir; I did not. I simply heard they found someone.

Q. Did you see any of the small boats that went to the rescue come back with any of the passengers?

A. I saw this Devauchelle.

Q. He came back in a boat other than an Inter-Island boat?

A. Other than an Inter-Island boat. He had a small skiff there, and there were several skiffs and sampans went out with Japanese.

Q. Do you know whether or not the Inter-Island boats brought any of the distressed passengers back to Lahaina or not?

A. As I say, my recollection is that Mr. and Mrs. Saffery were brought back. They were brought later than Devauchelle. He was the first to come in, as I recollect, and the Inter-Island boat brought these two in; and these sampans were around there for some time and the Inter-Island boat went out the second time. I am not certain; that is my recollection.

Q. Were there any Japanese men or women in this boat, or Chinese, in the first boat that you were in, when it got alongside the wharf?

A. That I couldn't say.

Q. You don't know whether there was?

A. I don't remember who was in the boat. Mr. Robinson was with me.

Q. Was there any confusion in this boat?

A. No confusion.

Q. No confusion when you disembarked?

A. No. You know how when you get to the landing you get out of the boats. There was no unusual roughness at the landing.

Q. In your experience of traveling back and forth there have you ever seen Asiatic passengers abused in any way?

A. No. They are told to hurry along, the same as you tell anyone else to hurry along if they stand on the gangway blocking progress.

Q. Have you ever seen them abused aboard the vessel as deck passengers?

A. I have never been down where they are taken care of. My observation is they are not abused.

Q. Did you have any conversation about this accident with any of the Inter-Island officials after the accident?

A. No.

Q. None?

A. Not to my recollection; I haven't seen any of them.

By Mr. Williams:

Q. Mr. Penhallow, you were in the first boat that left the Kilanea?

A. Yes.

Q. Do you know how long after you left the ship the second boat left?

A. Why, not very long after, I should say, because that second boat cap-sized before our own boat unloaded; so it could not have been very long afterwards. It followed the usual course.

Q. You came in in the usual course?

A. As I remember it, we were a little bit below the entrance, that is, the channel, and then before we got to the channel my recollection is that the boat turned and rowed up until they got to the usual place to go in and went right in the channel, but, as I remember it, we were a little bit below the channel.

Q. The course steered by your boat was not directly before the channel?

A. That is my recollection.

Q. And when you neared the channel—

A. (Interrupting.) Then it went towards Olowalu and went in.

Q. Then you were on the Olowalu side?

A. No; the Kaanapali side. The steamer, as I remember it, was a little below the channel. Sometimes they anchor up further and sometimes down below. I don't know—just where they happen to come to.

By Chairman Forbes:

Q. What was the weather conditions at this time?

A. In what way?

Q. The weather from the time you left the vessel?

A. It was not a rough night.

Q. Was it raining or blowing?

A. No; it was not raining and it was not unusually windy.

Q. What kind of a sea was running?

A. There was no sea. I considered it a good night to land.

Q. Did you observe the light on the wharf as you went in?

A. Just the lights there. There were no storm signals, if that is what you mean.

Q. No; any light on the wharf or the beach?

A. I could make out the landing. That is how I happened to know we were a little bit below the channel.

Q. Then it was not the usual course?

A. I really can't say. They lay in at different places. Sometimes they are further towards Olowalu than others. I should imagine it was the usual course.

Q. Could you see the waves plainly?

A. We could make out the line of the surf. It was a starlit night. You could see that at quite a distance.

Q. What do you know about the loss of the night before? How was that boat lost?

A. That I could not say. I was told it was lost on the Olowalu side on that little breakwater there by the wharf. I don't know, of my own personal observation. I simply heard that is where it was lost.

Q. Do you know whether this boat contained passengers or freight that was lost the night before?

A. I don't know anything about this. I just happened to hear this by conversation on the steamer, and that is the reason I asked the purser whether the landing was all right.

Q. Could you see the capsized boat from the landing?

A. Well, after the automobile lights were turned on we could make out the appearance of the people out there, and later we could see the capsized boat floating in some distance below the landing.

Q. How far would you say that boat was away from the wharf?

A. That is rather hard to say. It was over a hundred yards, that is, I presume it would be. It was far enough out you could just make her out as she came in.

Q. You stated that the Inter-Island did everything in their power to expeditiously rescue these people.

A. Certainly; they went right out.

Q. But you could not see, though, the performance of their work?

A. Well, they must have done something to get these people ashore in that boat.

Q. It is also true that some of the small boats brought passengers in?

A. Certainly. Everyone went out that could. Men even jumped overboard from the wharf and swam out.

Q. Did the Inter-Island men jump out?

A. The Inter-Island crew I think went in the boat, or enough to man the boat anyhow.

Q. Was Mr. Dunn on the wharf this night, do you know, of your own knowledge?

A. I could not say. I presume he was. He is there every night.

By Mr. Gignoux:

Q. Mr. Penhallow, in your judgment was the boat anywhere near the surf or the breakers when it capsized?

A. It capsized in the breakers.

Q. Right in the breakers?

A. I should say so, because if you once get in there the boat is bound to capsize or swamp. That would be my judgment. I don't know, because we didn't see it. We didn't know it was capsized until we heard them calling and then we could distinctly hear them hollering.

Q. And you didn't notice whether it was opposite the channel where you came in?

A. It was below the channel. I was trying to locate the sounds and sounds came possibly from a hundred yards or so below the channel.

By Mr. Smith:

Q. What is below?

A. The Kaanapali side. The wind goes down that way and the boat would drift towards the land.

Q. In your casual observation, what would you say was the condition of the crew of your boat, the boat in which you went ashore?

A. Why, normal.

Q. Sober?

A. Why, yes. There was nothing to mark them any different from any other trip. The boat-steerer was looking out from the boat and when he found he was below the channel he went ahead.

Q. Do you know this boat-steerer that was in your boat?

A. No; I do not. I could not recognize anybody who was in the boat, because there was nothing unusual going on to call my attention to who was in the boat at all.

Q. Do you consider Lahaina an unsafe place to land at all times, irrespective of the weather?

A. Well, there are times when it is perfectly safe to land, but it is very hard to say from hour to hour when it is safe to land. It is a very treacherous landing there. The breakers come in there and it is a dangerous landing.

Q. You have disembarked there a number of times?

A. Oh, yes.

Q. Have you ever been in a boat yourself when they had an accident?

A. I have gotten wet in a boat, but never had to swim ashore.

By Mr. Sutton:

Q. Mr. Penhallow, you spoke of the crew as being an ordinary crew. What nationality?

A. Hawaiians.

Q. All of them?

A. That I could not say, but the majority of them were. The most of them were Hawaiians, according to my recollection.

Q. Do you know what the crew of the other boat was?

A. I do not. I understood they were Hawaiians. I really don't know. The boat-steerer I didn't see, but I understood he was a Hawaiian because in a conversation there they spoke about this fellow going underneath the boat and getting, I think, this child that Devauchelle brought ashore. I am not abso-

lutely sure. That is what was told me here. I don't know other than that.

Q. That was told you on the wharf?

A. Yes; at the time.

Q. You spoke of several boats going out to get the passengers and assisting in bringing them in.

A. Well, those were the small——

Q. (Int.) With the exception of the boat of Devauchelle, which I understand brought back two passengers——

A. (Int.) I understood a child and a wahine.

Q. With the exception of that boat, did you see any other boat than that bring any passengers in?

A. My recollection is that the Japanese boats did not bring any passengers in.

Q. Do you think that all of the other passengers that were brought ashore came ashore in Inter-Island boats?

A. That I could not say. I don't remember of seeing any one of the Japanese boats bringing in any passengers. That is, they didn't come back to the landing. They might have been down there at the beach; but I understood that some of the people waded ashore. That is only a matter of hearsay.

Q. When you first learned of the accident having occurred where was the Inter-Island boat that you came in on? Was that still at the wharf?

A. It had not discharged its freight, that is, baggage and mail. They were in the act of unloading it.

Q. The crew, then, got knowledge of the accident having occurred there before or at the same time that you did?

A. Well, I think they heard the cries first, because what attracted my attention to it was seeing the boat start away from the wharf, and then we could hear cries for assistance.

Q. Was there any effort made at speed on the part of this boat crew?

A. Well, I should say they got away as fast as they could.

Q. How long a time, do you know, elapsed between the time of the accident and the time at which the boat in which you came ashore in came back with the passengers who had been rescued?

A. Well, that is pretty hard to say because the boats were——

Q. (Int.) Just approximately?

A. Possibly fifteen or twenty minutes, but my recollection is they went back again; that they didn't finish their work. They were hunting around for some time. You see, after they came in with the passengers they checked up and I think found that two were missing, and then they went back and continued their search to try and locate those other people, because we inquired from time to time of people on the wharf, and Mr. Weinsheimer was very active in helping.

Q. You said—you spoke of the boat being capsized about a hundred yards below the channel. Do you mean that the boat capsized a hundred yards below the channel or that that was the place where you located the people calling for help?

A. That is what I mean. Of course I don't know where it capsized.

Q. You don't know how close to the channel it capsized?

A. I have no idea.

Q. And that point was also about a hundred yards away from the wharf?

A. I should say so.

Q. In which direction was the wind blowing, the direction in which the capsized boat had drifted away from the channel?

A. I should say that was the direction—blowing down the coast. It was not a strong wind.

Q. When you left the Kilauea in the first boat what course was taken—around the stern of the Kilauea or around the bow?

A. That I couldn't say. I don't recollect. I couldn't say.

Q. Do you recall how far below the usual anchorage the Kilauea was that night?

A. Well, about in the usual anchorage. It was not so very far below because the steamers coming in there sometimes—well, they anchor about the same locality from time to time. This was probably half a ship's length below where she sometimes anchors, perhaps more, but not unusually far.

Q. You have traveled a good deal there, have you, Mr. Penhallow—on various Inter-Island Steam Navigation Company boats to Lahaina?

A. Yes; I have a number of times each year for the past thirteen years.

Q. How about sudden waves coming in, of which you would not get any warning? Have you ever noticed or heard, rather—have you ever noticed any waves coming in which suddenly broke in places that you would not expect a wave to break in?

A. Well, there is a certain place there in the channel where the waves break when they come up.

Q. Where is that, near the anchorage or near the shore?

A. I think it is near the shore, about on a line with the reef, is my recollection.

Q. About the point of the reef?

A. Somewhere around there. I have been fortunate not to be there very many times when it was rough.

Q. In what way were you able to ascertain you were out of the usual channel that evening?

A. It seemed to me that we were heading for the breakers when we started in and I was on the point of making a remark about our course when the boat-steerer turned towards Olowalu.

Q. What was it made you think so?

A. I could see the line of the foam.

Q. Was there any particular noise from the breaking of the waves on the reef?

A. The usual noise, but that didn't attract my attention.

Q. Was it a continuous noise or every now and then when a wave broke?

A. That I couldn't say.

Q. How close were you in your boat to the reef when the turn was made?

Q. We were not very close in.

Q. Fifty or one hundred feet?

A. No; not as close as that, I think. I noticed the waves there and I thought we were not heading for the channel and we were not dangerously close, but nothing attracted my attention to the fact—that is all.

Q. How wide is the entrance to the channel, Mr. Penhallow? Would you say it was the length of the Kilauea?

A. No; I should say not.

Q. Less than that? Half of that?

A. It is possibly, well, a hundred feet. I may be mistaken. I am not absolutely sure about it. It is not a very wide entrance.

Q. And does it widen as it goes in or narrow, when it comes close in to the wharf?

A. Well, it is pretty narrow. It is a pretty narrow channel. Well, there

is a breakwater on the Olowalu side and the breakers are not very far on the Kaanapali side of the wharf. It is a very narrow lane.

Q. At that point it is probably no more than fifty feet wide? Would you say fifty feet or more?

A. Well, it is somewhere around fifty feet, perhaps seventy-five.

By Chairman Forbes:

Q. Mr. Penhallow, you say your boat got away from the wharf as fast as possible. How fast would you say?

A. As fast as the men could jump from the wharf that were helping get the mail out and the men could get hold of their oars and push out.

Q. How soon after the first boat got away from the wharf did you know there were two people lost?

A. Oh, that was some time.

Q. How long would you say, an hour?

A. No; not that long. Time at that time was hard to keep track of.

Q. Well, you know what time you landed there at Lahaina?

A. Yes.

Q. And you know about the time you got home?

A. Well, we were there on the wharf about an hour altogether, I should say.

Q. And in half an hour you knew there were two persons lost?

A. Possibly in that time.

Q. What was the surf at the entrance? Did you notice whether the surf at the entrance was very heavy?

A. It was not breaking across the channel is my recollection, but that is not saying that it didn't break immediately after we came in.

Q. We are speaking of your boat now?

A. Our boat came through.

Q. Without any noticeable surf?

A. It was not a bad landing.

Q. You have landed in much better weather, have you?

A. I have landed there in a dead calm.

By Mr. Smith:

Q. You were speaking about the wind. Was that strong at all?

A. No; it was just the land breeze that blows there in the evening. It was not an unusually strong wind.

Q. In which direction does that come from?

A. According to my recollection, it was blowing down towards the channel, towards Kaanapali, but not directly down. It is a kind of an offshore breeze.

Q. A southerly wind?

A. No; an easterly wind, I guess; an easterly wind, I should say.

Q. Is there any difference in the surf there when the wind is to the eastward and when it comes from the south or southwest?

A. Well, the southerly wind brings up the surf from the seaward side, and that is the time when it is particularly dangerous. An offshore breeze there is not one that would stir up the surf, but it is hard to say. There might be a surf come up from outside, from a storm offshore somewhere, and yet the wind be entirely different there at Lahaina.

Q. And the surf that broke in the channel you might or you might not notice it at the wharf?

A. Yes; and the chances are it would not be caused by the breeze there. Some outside disturbance at sea would cause the surf there.

Q. I am referring to the night you were there.

A. It might be a breaker that broke across the channel outside and nobody on the wharf noticed it.

Q. Is this channel entrance sufficiently distinguishable from the line of the surf there so that you could notice it before you reached it coming from the ship towards the shore?

A. My observation was we were not opposite the channel. On a night when it is breaking clear across I would not attempt it myself.

Q. By what means would you distinguish it—you yourself?

A. You would take the position of the wharf for one thing and the channel buoy for another.

Q. The channel buoy is on the outside of the channel?

A. Well, it is on the Olowalu side.

Q. And you can always make the channel buoy before making the channel—you can always see it from the steamer?

A. Yes.

Q. Have you any idea how far away from the channel you were when you started to call the attention of the boat-steerer?

A. Well, I didn't call anybody's attention to it. It simply occurred to me that we were below it.

Q. Well, answer the question with reference to that.

A. You mean how far were we below the channel?

Q. Yes.

A. Not very far below, just far enough to claim my attention, to call my attention to the fact that we were not directly opposite. I presume the boat-steerer went in far enough until he located the surf and then followed it up to get opposite the channel.

Q. Do you know whether the second boat which came in followed your course at all or not?

A. I do not.

Q. As a matter of fact, it was too far behind for you to see it?

A. I don't remember seeing the other boat at all. In fact, I was not looking for it.

Q. Now, with reference to this place in the channel where it is about seventy-five feet wide, which I think you spoke of, can you give any idea as to about where the other boat capsized or where it was when you first heard the cries?

A. Well, a little bit outside of that.

Q. Outside of that?

A. Well, the channel may be seventy-five feet wide all the way out. I am simply just guessing at those figures. Possibly if I went back and looked I would change my ideas altogether, but the position of the breakers and the breakwater at the end of the wharf, that is possibly the width of the channel. It may be narrower. I couldn't say. I had no particular reason to think of the channel that night because we were coming in apparently in the usual way.

Q. Naturally. But I understood you, in answer to one of Mr. Sutton's questions, to refer to a point where the channel is narrower than at other places.

A. Yes, sir; about half way between the outside line of breakers and the wharf.

Q. And my question was directed to that location as trying to ascertain how far from that point the boat was when you heard the cries.

A. Well, the boat was out in what I would say is the line of breakers.

Q. Out further towards the sea?

A. Out further towards the sea. Of course, it may be that the channel does not vary in width at all all the way out.

By Mr. Warren:

Q. You made reference to the channel buoy. Do you mean the buoy outside and opposite the channel?

A. There is a buoy out there where the Mikahala anchors. She lies well inside of that. That is the buoy I referred to. That does not mark the channel. I think it marks the anchorage. I don't think it is an actual buoy locating the channel but a buoy which defines the bottom and not the channel.

Q. And how far would you say that is from the mouth of the channel, approximately?

A. Well, that is pretty well out. It is in the locality where the steamers anchor. I couldn't say just how far it is. I think when the boats come down from Hawaii they anchor on the Olowalu side, and the boats coming up anchor on the Kaanapali side, and the Mikahala always seems to anchor in between that buoy and the landing, a little bit towards Olowalu.

By Mr. Smith:

Q. Mr. Penhallow, at the place where you distinguished the boat when you heard the cries is the surf usually running there?

A. Yes, that is the reef.

Q. And there are always breakers over there?

A. Well, I presume there are. If it is calm weather they might come in without breaking, but it is not the channel. I presume it is breaking there all the time.

Q. You haven't any idea how strong the current is there, referring to its velocity?

A. I haven't any idea. I believe some current sets down there towards the coast.

Q. You mean towards Kaanapali?

A. Yes.

HON. WM. T. ROBINSON,

being called as a witness, was duly sworn, and testified as follows:

By Chairman Forbes:

Q. What is your full name, Senator Robinson?

A. William T. Robinson.

Q. And your place of residence?

A. Wailuku.

Q. You engaged passage on the Kilauea for Lahaina on the night of this accident, on May the 1st?

A. Yes.

Q. Or on the night of the 31st?

A. Yes.

Q. Can you tell us the position of the vessel when she got to her anchorage off Lahaina?

A. Just a little bit below, just about a little bit below the anchor light, that is, a little below the gas buoy they have there.

Q. The light buoy?

A. Yes; just towards the Kaanapali side.

Q. Was the location any different than you had noticed before in your trips to Lahaina?

A. ' No; not that I noticed.

Q. Did you pay any attention to the locality?

A. I did not particularly.

Q. You didn't observe any difference in the anchorage at that time than you had before?

A. It varies. That is, when I go there some boats anchor before that light buoy and some below.

Q. You was ready to disembark as soon as the ship anchored?

A. From the steamer?

Q. Yes.

A. Yes; I went in the boat there from the steamer.

Q. Tell us who was in this boat, the names of the passengers in this boat with you—those that you know.

A. There was myself, Senator Penhallow and Mrs. Penhallow, Wai-aholo and Kaluakini, and, if I am not mistaken, two other persons.

Q. Were they Oriental passengers?

A. I am not sure. I don't know myself, but I know six or seven was in the boat.

Q. What was the weather conditions on this night?

A. Well, the weather was very fair.

Q. And what was the character of the sea? Was it rough or was it smooth?

A. No; there was a little low tide I think.

Q. There was a little current?

A. There was a little current.

Q. How fast a current would you say? How fast was it?

A. Well, when we come in where it is low tide it breaks out where the reef is before coming in the channel, and when we got to coming into the channel where the breakwater or stonepile is we kind of waited there until the brakkers got through and continued to the landing.

Q. Could you distinguish the landing from the vessel?

A. Yes.

Q. It was perfectly light?

A. Yes. Of course it was a dark night, but where the light was——

Q. When the boat left the gangway of the ship did the oarsmen immediately begin pulling or did the boat drift along?

A. They left the gangway and went around the stern of the boat and pulled along.

Q. Did they disembark on the lee side of the vessel? You say they pulled around the stern of the ship?

A. Yes.

Q. They had to pull this boat around the stern of the ship?

A. Well, the gangplank is near the stern anyway, and they just pulled around the stern and pulled up in the dark.

Q. Did you know any of the members of the crew of the boat?

A. I do not.

Q. You had never seen them before?

A. I might have seen them before, but I don't recollect them.

Q. Do you know whether or not the members of this crew had been on this trip before? Do you know if at any time they had been in the same crew or boat going to Lahaina?

A. I believe so. I am not quite certain. I couldn't say for certain. I didn't have a very good look at them.

Q. Is it customary for passengers disembarking there to become familiar with the boatmen; that is, know them well enough to speak to them and call them by name?

A. Well, I don't know; maybe so, but I don't know.

Q. How long did it take the boat you was in from the time it left the vessel until it reached the wharf, would you say?

A. Probably about ten minutes, I suppose.

Q. About ten minutes? Where was you when you heard the cries of distress?

A. I was at my automobile at the outside entrance of the wharf.

Q. You were out of the first boat, then, when you heard these cries?

A. I was out in the automobile then.

Q. Had your baggage been discharged from the small boat?

A. No. When I heard the cries I ran back and the crew that was in our boat just pulled away from the wharf and took the mail and all our baggage.

Q. How long after they heard the cries?

A. Just immediately.

Q. Did they take some baggage and mail with them?

A. They took everything they had. They threw out a few bags of mail; I don't know how many.

Q. How long before this boat returned to the wharf?

A. Well, I suppose somewhere about three-quarters of an hour.

Q. How long after you heard these cries did you know that there were two persons lost?

A. I didn't know it until Sunday morning at Wailuku that there were two persons lost.

Q. That night you didn't know it?

A. I heard they were all found. I heard all the passengers were found, but I never heard any were lost until the next morning.

Q. Did you know either of the deceased?

A. No.

Q. Did you see the waves? Could you see the breakers clearly from the gangway when you pulled away from the vessel?

A. Going to the wharf we could see the breakers because way out where the reef is the breakers break there.

Q. You could see the breakers from the vessel?

A. On the Kaanapali side of the reef there of course the waves come that way and break right over the reef and makes this spray at low tide.

Q. Was this boat on the same course usually taken on leaving the vessel's side?

A. I couldn't say. I didn't see the boat at all.

Q. I mean the boat you were in?

A. The boat I was in?

Q. Yes; the boat you were in. Was it on the same course usually taken on going from the vessel to the wharf?

A. I think it was.

Q. Are you familiar enough with the channel to know whether or not the boat was on its right course?

A. I am familiar enough. I think he was on his right course—the boat I was in.

Q. Do you know the approximate width of the channel?

A. Where the rollers come into the channel with the breakers, about fifty feet; I think. Of course on the other side it is all reef.

Q. What was the condition of the sea at the wharf when your boat came alongside?

A. It was low tide and the rollers came up and keep shoving the boat here and there and of course the boat was low in getting on to the wharf—low tide—small currents—shoving the boat up and down.

Q. In disembarking from vessels at Lahaina did you ever feel anxiety as to a safe landing at Lahaina? Did you ever feel——

A. (Int.) At that night I did. Of course the purser told me he had a dump coming down from Hawaii that Friday or Saturday morning, coming down from Lahaina.

Q. He had some trouble that morning, the purser?

A. The freight clerk.

Q. Was there any mention made to the steersman that he might not be on his right course?

A. Not that I heard.

Q. There was no conversation you heard relative to the position of the boat?

A. No.

Q. Do you know the members of the crew of the boat you were in?

A. I might have, but I cannot recollect it that evening.

Q. Was there an officer in this boat with you, an Inter-Island officer?

A. The freight clerk.

Q. And the freight clerk gave no directions to the steersman?

A. I didn't hear it.

Q. In your opinion, what do you think of the skill of the crew of your boat as oarsmen?

A. I think they were very good men.

Q. You think they are good men?

A. Yes.

Q. And the steersman?

A. I think he understands his business.

Q. Have you ever been communicated with or have you talked this accident over with any of the members of the Inter-Island Steam Navigation Company?

A. No.

Q. You have not had any conversation whatsoever with any of them?

A. No.

By Mr. Smith:

Q. Senator Robinson, after you heard the cries, when you were standing at your automobile, you returned immediately down to the wharf, did you?

A. I did; yes.

Q. And a minute or two of time elapsed before you reached the wharf?

A. Yes; I suppose about a minute.

Q. Did you go down to the edge of the wharf?

A. It was pretty crowded; I went down close to it.

Q. And when you looked out could you see the capsized boat?

A. I could not see anything. It was a dark night. I could hear the yelling, and that is about all.

Q. And could you locate that yelling with reference to the channel?

A. Well, the yelling sounded as though it was about a hundred yards, or perhaps not that much; maybe half that much; maybe fifty or seventy-five feet below the channel. I couldn't see anything, but we could hear the yelling from that side.

Q. You had an idea as to the location of the channel?

A. Yes. Well, the channel—the reef is on this side and the reef on the other, on the Kaanapali side.

Q. Did you notice the direction of the wind when you came in?

A. Well, it was coming in this direction here. The breakers were going towards Kaanapali.

Q. You mean the wind was coming from the Olowalu side?

A. The northeast wind, I suppose.

Q. A strong wind?

A. Not very strong.

By Mr. Warren:

Q. You were asked as to the weather conditions, Mr. Robinson, that night. I would like to ask you if, from your observation, weather conditions directly affect breaker conditions? That is, is there any indicated cause and effect between weather conditions and breakers?

A. Sometimes we have bad weather and breakers and sometimes it is pretty good weather and breakers. You can't tell.

Q. As far as weather is concerned there might be the same weather morning and afternoon and yet be a sudden change of sea, with breakers, even in good weather, as far as weather is concerned?

A. Well, when they get a pretty good north storm at Kahului it is just the opposite at Lahaina. Lahaina you can't always tell. Sometimes you will go in and strike good weather and sometimes a roller comes right in.

Q. Have you in your experience in landing at Lahaina known any times when the sea itself has been comparatively smooth and yet a blind roller or breakers rises suddenly?

A. Yes; I have seen it myself.

Q. Could you say whether or not it is a more or less common thing throughout the islands?

A. Well, I have traveled all through the islands and along every shore.

Q. Well, more particularly Lahaina?

A. Lahaina, yes.

Q. At those times have you been able to notice anything to call your attention to the fact that a breaker was about to come or was it sudden?

A. Well, sometimes you can look from the vessel and you can't see it very well. It does not break right through the surf, but outside it does break, and you find those waves that come in and you take your chances to get in, and sometimes it gets so high you can't get out.

Q. You said that when you heard the cries you got out of your automobile and went down to the wharf?

A. I was not in the automobile.

Q. You said when you heard the cries you went down to the wharf?

A. Yes.

Q. At that time you say the boat was going out?

A. Well, the boys were just pulling out. I guess they got their oars down and ropes cleared.

Q. And when you said they had thrown out a few mail bags did you mean they stopped to throw those out or had they thrown those bags out before you got there?

A. Well, the passengers got out of the boat and the crew commenced dumping their mail bags.

Q. What I mean is you didn't mean that after they were warned of the fact and knew there was trouble they didn't stop to throw anything out?

A. No, no. What I mean was that they had thrown a few ashore. When they heard the cries of course they ceased landing any.

CAPTAIN FRANK M. BERG,

being called as a witness, was duly sworn, and testified as follows:

By Chairman Forbes:

Q. What is your full name?

A. Frank M. Berg.

Q. And your business?

A. Master.

Q. Of what vessel?

A. I am assistant superintendent on the wharf at the present time.

Q. What was your position on the night of this accident?

A. Master of the Kilauea.

Q. She was not on a regular run?

A. No.

Q. She was on a special run?

A. On a special trip.

Q. Taking the place of the Mauna Kea?

A. Yes, sir.

Q. Are you a licensed pilot, Captain?

A. Yes, sir.

Q. Describe the position of your vessel on the night of the accident.

A. We was laying about—we anchored about a half a ship's length ahead of the buoy, and when the chain stretched out we were about half a ship's length below the buoy.

Q. How long was it since you were in command of a vessel before this particular command you had?

A. It was not very long. I forget which vessel I had before then.

Q. Well, your regular command of a vessel?

A. My regular—I didn't have any regular command. I was from vessel to vessel, relieving captain here as soon as I left the Mauna Kea as first officer.

Q. You have been acting in the capacity of relieving officer, relieving captain?

A. Yes, sir.

Q. Had you been to Lahaina many times before?

A. I have been five years in the Mauna Kea and about a year and a half in the Kilauea.

Q. Where was you when the boat pulled away from the ship's side?

A. I was on the upper deck.

Q. Were you watching the operations of the crew?

A. I always do that.

Q. Did you give the order for the boat to pull away?

Mr. Warren: May I ask whether the purpose of these questions is to determine whether or not the master is responsible personally for this accident? If so, may I ask the chairman to instruct the witness that he is not required to answer any questions which might tend to incriminate him in any way, and, as the Commission probably knows, he can't be required to testify in any investigation of this sort where anything he might say might be used in a federal investigation.

The Chairman: I will refer that question to the Attorney General, Mr. Smith.

Mr. Smith: I don't understand that there is any question or the captain's

personal responsibility. I would be inclined to think, Mr. Chairman—of course I presume Captain Berg is willing to answer any question that comes up—I would be inclined, however, to say that in an investigation of this sort or an investigation relating to a matter of his pilot's license, that those investigations would not come within the category of what would be known as incriminating answers. I don't think it would be applicable in such a case as this. I don't believe the chairman could properly give Captain Berg those instructions. If there is any authority for the privilege I think——

Mr. Warren: (Int.) As far as the Inter-Island is concerned there is no objection to having the matter fully investigated.

Mr. Smith: I agree that if there is any possibility that any testimony by Captain Berg would be in the nature of or might have a tendency to cause him to lay himself open to criminal proceedings that Captain Berg ought to be instructed that he does not have to answer any questions of that nature if he does not want to, but I don't think this kind of a proceeding is in that category.

(The Captain having no objections to testifying, the examination proceeded.)

By Chairman Forbes:

Q. Captain Berg, did you see the boat when she was loaded and ready to shove off from the ship's side?

A. Which, the first or second boat?

Q. The first boat?

A. I saw the first boat all right.

Q. How many passengers were in that boat?

A. About eight passengers, and there was mail in the boat, and their hand baggage of course, as is usual.

Q. You take passengers, freight and baggage in the same boat?

A. That has been the custom.

Q. That has been the custom—in the same boat?

A. Yes, sir.

Q. Did you mean that there was freight in that boat?

A. No, sir; there was hand baggage and there was some mail. Of course the number of bags I don't know.

Q. Did you watch the movement of the boat from the time she left the ship's side until she went in to the wharf?

A. No, sir; I just watched—as soon as the boat left the ship I assumed that everything was all right.

Q. Did you give the crew of the boat any instructions before leaving?

A. No.

Q. Do you know the members of the boat's crew?

A. Yes.

Q. Do you know them all?

A. I know them as the crew of the ship. I know the boat-steerer well.

Q. This is the first boat we are speaking of, Captain.

A. The first boat? I don't know them personally; no. I know them just as the crew of the ship; that is all.

Q. How long after the first boat pulled away did the second boat start away?

A. I reckon about fifteen minutes.

Q. Do you know how many passengers were in that boat?

A. Ten passengers.

Q. Can you give their names?

A. No, sir; I can't give any names.

Q. Did the second boat contain any mail?

A. No, sir.

Q. Captain Berg, I would like to ask you if there were any Oriental passengers in the first boat?

A. None that I know of.

Q. And in the second boat?

A. They was all Orientals and one native and two children. There was eight adults and two children.

Q. Was there a third boat to leave the vessel?

A. No, sir.

Q. Just the two?

A. Just the two.

Q. Where was you—did you hear the cry?

A. No, sir.

Q. You didn't hear the cry?

A. No, sir.

Q. How did you get the information?

A. When I saw a red light on the wharf.

Q. What did you do then?

A. I turned on the searchlight and sent a boat ashore under Purser Thompson in charge of the boat.

Q. You didn't send a regular officer? You sent the purser?

A. He always goes ashore there.

Q. Did your searchlight respond immediately when you turned the current on?

A. Yes, sir.

Q. And the searchlight was in perfect working order?

A. Yes, sir; as far as I could see.

Q. What did you do when you heard that there was trouble or pilikia?

A. As I told you, I sent a boat ashore to find out what the trouble was.

Q. You sent a boat ashore to find out what the trouble was?

A. Yes. When the boat came back Purser Thompson said the second boat was swamped, and I sent the second officer, O. W. Olsen.

Q. Are the boats supplied with life preservers?

A. No, sir. The row-boats, you mean?

Q. Yes.

A. No.

Q. Were the oars in good shape?

A. Yes, sir.

Q. They were in good shape?

A. Yes, sir.

Q. What kind of oars are they?

A. Ash mostly.

Q. What would you say one of those oars would weigh?

A. I can't tell you. They are pretty heavy oars. I couldn't tell you exactly what they would weigh. I wouldn't make a guess even—about twenty-five or thirty pounds. I haven't hefted one.

Q. Did you ever pull one of those oars?

A. Well, not very often.

Q. When you was informed there were two lives lost, Captain, what did you do?

A. When I was informed two lives were lost?

Q. Yes. What was your course of procedure?

A. I just stayed there waiting and the people were searching around there for the lost bodies. In the first instance they said only one man was lost, and we stayed around there with the sampans and our boats searching for the bodies. When we left they had not found the Japanese woman.

Q. What were the weather conditions?

A. Fair.

Q. Do you ever issue any warnings to your boat-steerers when they pull away?

A. Yes, sir; but not this trip. I didn't think it was necessary.

Q. You usually, though, do issue warnings?

A. When there is any sound reason to issue warnings we always do so, but this night there seemed to be no necessity for it.

Q. The weather was fair enough so you didn't have to?

A. Yes.

Q. Are there any printed instructions given to the boat-steerer?

A. Not in regard to taking the boats in. It is left to the boat-steerer's judgment.

Q. Do you know if the boat was on its usual course?

A. The night was very dark and I could only see—about two or three ship-lengths off I could not see the boat.

Q. Did the first boat return to the ship before it went back to the wharf?

A. No, sir.

Q. It didn't?

A. No, sir.

Q. How soon after this accident did you pull out of Lahaina?

A. Well, I judge the accident happened about 9:20 or 9:25, something like that, and we left there at 10:55.

Q. You left there at 10:55?

A. Yes, sir.

Q. What do these life-boats contain for equipment?

A. Just—the law specifies a full complement of oars.

Q. How many men were pulling the boat?

A. Four men pulling and one steering.

Q. Four men pulling and one man steering?

A. Yes, sir.

Q. Do you ever send one of your regular ship's officers ashore with a boat?

A. Very seldom; only when I think it is a very rough landing, and then I send an officer with it to find out if it is safe to land, and, if not, they come back with the boat.

Q. Was the steersman of this boat a regularly employed steersman?

A. He is a regular steersman and seaman.

Q. The first boat?

A. The first boat; both of them are, in fact, both steersmen and seamen. Sometimes they act as seamen and sometimes as boat-steerer. If I happen to be shy a sailor the boat-steerer goes as a seaman. But they are both experienced seamen.

Q. All natives?

A. All natives.

Q. In both crews?

A. Both crews; yes, sir.

Q. Do you ever use Japanese for pulling an oar?

A. Very seldom.

By Mr. Smith:

Q. Captain, you say there were eight passengers in the first boat?

A. Eight passengers; yes, sir.

Q. Did you count them at the time?

A. I didn't count them, but the purser told me there were eight. I looked down, but the purser told me there were eight passengers, all Oriental passengers.

Q. And as to the freight, the purser told you there was no freight?

A. I saw there was no freight.

Q. What I am trying to get at is what you saw yourself as distinguished from what the purser told you. Did you see yourself that there was only hand baggage there?

A. I didn't see exactly hand baggage. The rule is the cabin passengers and hand baggage and mail goes first. That is the standing rule. There is nothing else goes in. It is hand baggage and mail.

Q. What is the rule of sending the boat with the deck passengers or steerage passengers?

A. Well, if there is two or three deck passengers and some freight in the boat, but under these circumstances they don't have any freight, but there was a trunk.

Q. Your statement as to the freight and trunk, is that based on what you saw or what the purser told you?

A. On what I saw.

Q. You saw the trunk?

A. Yes.

Q. And you say that there was no freight?

A. There was no freight, but a trunk.

Q. And the number of passengers in the second boat the purser gave you?

A. Eight adults and two children. The purser gave me that. I didn't count them. The purser told me eight adults and two children.

Q. Were you able to determine from the steamer where the capsized boat was?

A. No, sir; I couldn't see nothing. I didn't hear nothing. I didn't hear anything.

Q. Have you any idea what time it was when you saw the red light?

A. It must have been about half-past nine, I guess. I didn't stop to take the time.

Q. I will put it this way: About how long after the first boat put off was it when you saw the red light?

A. I should reckon about twenty-five minutes or half an hour.

Q. That would make it about a quarter of an hour after the second boat pulled out?

A. About that; about twenty minutes, fifteen or twenty minutes. I couldn't tell you the exact time.

Q. And when you sent Mr. Olsen out with the other boat what did he tell you when he came back, if anything?

A. He told me there was a Chinaman drowned and a Japanese woman missing.

Q. How long was he gone—just approximately—before he came back to your boat?

A. He didn't come back. He came back when the ship left. The purser came back and told me this Chinaman was drowned and that a Japanese woman was missing, and then I sent Olsen and he came back when the last boat came back.

Q. When you saw this red light was it the purser you sent in or Olsen?

A. The purser.

Q. Now, when you sent the purser in do you know where he went to?

A. He went in to the landing. I presume so.

Q. Did he tell you where he went to?

A. To the landing and found out what the trouble was?

Q. Directly from the ship?

A. From the ship; yes, sir.

Q. And as soon as he found out what the trouble was at the landing he came back right away?

A. Came back and reported right away.

Q. You mean to say he didn't go to the scene of the accident?

A. As far as I know he went right to the landing and came right back and it was reported to me and I sent Officer Olsen in with the purser's boat.

Q. And where did you send Olsen?

A. To the landing to see what he could do there; to recover the bodies or anything.

Q. You didn't know at that time where the accident was, did you?

A. No, sir.

Q. When Mr. Olsen came back or when the purser came back did either one of them say whether they had been to the scene of the accident, where the capsized boat was?

A. They was fooling around there outside. They went to the landing and pulled around there—they didn't tell me—but they went to the landing and couldn't find anything.

Q. That was the third boat?

A. The third boat.

Q. It didn't pull around the capsized boat until you sent the officer? He came right back?

A. He came right back and reported.

By Mr. Warren:

Q. These passenger boats are licensed to carry how many passengers?

A. This boat in particular is licensed to carry thirty-nine.

Q. And the first boat, do you know how many it is licensed to carry?

A. I didn't take a record. I can find out—about thirty-eight or thirty-nine.

Q. Not less than thirty-six?

A. Not less than thirty-six. We haven't got as small a boat as that in the Mauna Kea or Kilauea.

Q. In any other respect are there any other regulations, federal regulations, in regard to equipment and life-saving apparatus that was not on the boat?

A. No, sir; we had every thing that was required.

By Mr. Sutton:

Q. Captain, when you sent the purser in do you know whether he actually went to the landing?

A. I don't know exactly.

Q. Captain, when the purser went ashore you said, in your reply to Mr. Smith, that he went to the landing. As a matter of fact, you don't know whether he went to the landing or whether he only went as far as was necessary to ascertain what had happened?

A. I can't swear he went to the landing, but I told him to go in there and see what the trouble was. He may have gone to the landing or just to the seat of the trouble: I don't know; but I assume he went to the landing to find out.

Q. After you turned on the searchlight did that illuminate the scene sufficiently so that from the boat you could see what had happened; so you could see the upturned lifeboat?

A. I didn't see the upturned lifeboat.

Q. What did you see after the searchlight was turned on?

A. I saw the boats pulling back and forth.

MR. J. F. C. HAGENS,

being called as a witness, was duly sworn, and testified as follows:

By Chairman Forbes:

Q. What is your full name?

A. J. F. C. Hagens.

Q. And your occupation?

A. Vice President Hackfeld & Company.

Q. You was a passenger on the Kilauea on the night of this accident?

A. I was.

Q. And you disembarked where, Mr. Hagens?

A. In Hilo.

Q. At Hilo? Was you on deck when this accident occurred?

A. No.

Q. You was not on deck?

A. No.

Q. Where was you?

A. In my berth.

Q. When did you first hear of this accident, Mr. Hagens?

A. The next morning.

Q. Have you been communicated with or have you talked with any of the Inter-Island officials about this accident since it occurred?

A. No, sir; unless it was to Mr. McLean. I told him I was subpoenaed to this examination and I told him I didn't know what I could give because I was asleep at the time this thing happened.

By Mr. Sutton:

Q. What did Mr. McLean tell you?

A. I don't know, sir. I couldn't tell you.

MR. EDWARD WAIHAHOLO,

being called as a witness, was duly sworn, and testified as follows:

By Chairman Forbes:

Q. What is your full name?

A. My name is Edward Waiaholo.

Q. Where is your place of residence?

A. Lahaina.

Q. You was a passenger on the Kilanea the night of this accident?

A. Yes.

Q. You disembarked at Lahaina?

A. Yes.

Q. Was you in the first boat that went ashore?

A. Yes.

Q. Who were all the passengers in this boat?

A. I remember myself and Robinson and Penhallow and Mrs. Penhallow and Kaluakini and one Chinaman.

Q. What was the weather conditions on this night?

A. Oh, kind of a little rough, but when we go in kind of swell, but our boat kind of slide, you know, and go inside kind of quick.

Q. Was it a little more rough than usual?

A. No; not very much rough; no danger to go in.

Q. No danger to go in?

A. No.

Q. And you considered that night was no worse than you had experienced there before?

A. Yes. Why, we take that boat and went ashore and I went to a moving picture house to make a speech on account of election time.

Q. Did you have any hand baggage in this first boat?

A. Yes; I had hand baggage.

Q. Did you wait for it to be discharged from the boat on the wharf?

A. No; I told the driver to look for my hand baggage.

Q. You didn't stay there?

A. No; I walked right over to the moving picture and the people wanted me to go over and make a speech.

Q. Do you know anything about the second boat that left the ship?

A. No.

Q. Who do you work for?

A. When I come out from the moving picture I come out over the road.

Q. I say who do you work for? What is your occupation?

A. I work on the Pioneer Plantation.

Q. Well, what happened after you came out of the moving picture show?

A. I hear the people say somebody got killed, and so I come back and look for my trunk, because I never see my trunk on the first boat, and so I go back to the wharf, and then I see some of those Hawaiian boys lift up my trunk, lift on the wharf, and all full of water.

Q. What did you do then?

A. I went to who takes charge of the freight and asked what to do with the trunk because it is that wet and full of salt water. He told me better take home and soak in cold water; so I did. I put on the wagon and I take home and then I hire a couple of Chinamen and chuck all my clothes in a tub of water and wash the salt out.

Q. You was not on the wharf when the first boat came back?

A. No.

Q. You don't know anything about the first boat?

A. No.

Q. Or the second boat?

A. The second boat I don't know. Only I know the first boat we went ashore and we jump on the wharf and I went over to help on the supervisors.

Q. You was not on the wharf at any time during this trouble?

A. Well, I was on the wharf pretty near about one hour when I come back again.

Q. What was going on then?

A. I see a lots of people. He says lots of people overboard, and my boy call. Well, I stay there about fifteen minutes. I went home with my trunk and soak clothes in water.

Q. You say you was away one hour and came back. Did you see the two people who were drowned?

A. No; I didn't see them. I didn't see them until next morning.

Q. Do you know whether the two persons that were drowned were found when you came back?

A. No. I hear lots of people drowned and died.

Q. No. Answer the question. Do you know whether they were found or not?

A. No; I never heard who been found.

Q. Well, were they found?

A. No; I don't know. Of course I see lots of people go on the boat and look around.

Q. Do you know the members of the crew of the boat you were in?

A. No. Maybe I see, but I don't recognize them.

Q. You have lived at Lahaina some time?

A. Yes; I born there.

Q. Are you acquainted with any of the boat boys that come ashore there?

A. I seen one of those boys. I see the boys but I don't know whose name.

Q. In your travels in these small boats of the Inter-Island have you ever noticed any abuses of the Oriental passengers? Are they ever abused that you know of?

A. I don't know.

Q. Are they treated all right?

A. Well, those people on shore they were all right.

Q. I mean the Chinese and Japanese of the boat? Do the crews of the vessels treat them all right?

A. I don't know.

Q. You have never seen any abuse?

A. I don't know.

Q. You have never seen anybody kicking anybody or striking anybody?

A. No.

Q. And in the small boat you never saw anything like that either?

A. No.

Q. What was the condition of the water alongside of the wharf where the first boat was? Was it rough there?

A. Rough, you know. If you put a boat alongside the wharf it always back and forth.

Q. More rough than usual?

A. No; not very rough. That place sometimes very smooth and sometimes the swell come up.

Q. As soon as you got off the boat you went away?

A. Yes.

Q. You didn't stay there?

A. No.

MR. MOSES SMITH,

being called as a witness, was duly sworn, and testified as follows:

By Chairman Forbes:

Q. What is your full name?

A. Moses Smith.

Q. What is your work? What work do you do?

A. Sailor.

Q. Sailor?

A. Yes.

Q. Where are you employed?

A. Employed as a sailor.

Q. Who do you work for?

A. Inter-Island.

- Q. How long have you worked for the Inter-Island?
- A. Three years.
- Q. What ship are you on?
- A. W. G. Hall.
- Q. W. G. Hall? How long on W. G. Hall?
- A. Three years on W. G. Hall.
- Q. The first time you go on the Kilauea?
- A. Yes.
- Q. First trip?
- A. Yes; first trip.
- Q. On Kilauea?
- A. Yes.
- Q. You ever go on shore Lahaina before in small boat?
- A. No; never.
- Q. What you do this night? You pull oar?
- A. Yes; I pull oar.
- Q. You pull oar?
- A. Yes.
- Q. How long take you go from ship to wharf?
- A. About two hundred yards.
- Q. No. How long it take—ten, fifteen, twenty minutes? How long?
- A. About fifteen minutes.
- Q. About fifteen minutes? And you say about two hundred yards from ship to wharf?
- A. To the wharf.
- Q. What boat, you know, No. 1 boat or No. 2 boat?
- A. No. 2 boat, the second boat.
- Q. The second boat you were in?
- A. Yes, sir.
- Q. Did anyone speak on boat that boat no in right place?
- A. I didn't hear nobody speak.
- Q. Where was boat when it turned over?
- A. Outside from the breaker.
- Q. How far from ship was boat when it turned over?
- A. About one hundred and fifty yards.
- Q. How far from wharf where boat turned over?
- A. About over more than fifty yards.
- Q. What oar you pull in boat?
- A. No. 4 oar.
- Q. How many men pull oar?
- A. Four.
- Q. Four men?
- A. Four men.
- A. All Hawaiian boys pull oar?
- A. All Hawaiian boy.
- Q. You know them?
- A. Yes.
- Q. You ever pull oar with those same boys before?
- A. No; first time when I go with them boys.
- Q. That is the first time you have come with those boys?
- A. That is the first time I go with them boys that night.
- Q. And you never pull boat in Lahaina before?
- A. No.

Q. You ever steer boat?

A. No.

Q. Always pull oar?

A. Always pull oar. I always go Kauai side.

Q. What you do when boat turn over?

A. When the boat turn the boat capsized. We were underneath the boat at that time.

Q. Everybody underneath boat?

A. Yes, everybody underneath the boat. I hear some people calling "Help!"

Q. Help?

A. Yes.

Q. How could you hear them when you were underneath the boat?

A. I heard after I come up from underneath the boat.

Q. What did you do then?

A. I try to save some girls fourteen years.

Q. Did you save them?

A. Yes; I save; I pull on top of the keel of the boat.

Q. Where was this girl?

A. The girl was on the side of the boat.

Q. Did you see the Chinaman who was drowned?

A. No. I see on the boat one Chinaman.

Q. Where he sit on the boat—forward or aft or where?

A. Behind.

Q. Way back, eh?

A. Way back.

Q. What became of the steersman when boat turned over? You see where he go?

A. No.

Q. You don't know where he go?

A. The first time I go that place.

Q. You see where steersman go after you come out from underneath boat, where steersman, boy who steer boat, go?

A. The steerer was over there that time.

Q. Where was he?

A. He was in the water at the time.

Q. Don't the steersman usually stand up like this?

A. Yes; he stand up.

Q. Where was the Japanese woman?

A. Behind the boat.

Q. The one that was drowned?

A. The Chinese man and Japanese woman in the same place.

Q. In one seat?

A. In one seat.

Q. You sit facing that Japanese woman?

A. Yes.

Q. You pull No. 4 oar? You face them?

A. Yes.

Q. Did you feel them? Did you get hold of them when the boat turned over? Did you try to get hold of them?

A. No.

Q. What became of your oar when boat turned over? What did you do with your oar when boat turn over?

A. When the boat capsized I don't know what I did that time.
Q. I mean with oar?
A. My oar I lose.
Q. No break?
A. No break.
Q. You just lost that?
A. Yes; lost that.
Q. How many people in this boat?
A. I guess about eight or ten.
Q. Eight or ten?
A. Yes.
Q. Ten passengers and five crew?
A. Five crew.
Q. Four oarsmen and one steersman?
A. Yes.
Q. Who have charge of boat? Who hua? The boat-steerer, he had charge, eh?
A. Yes.
Q. What did he say to you when you came up?
A. He call me to help some people.
Q. Help some people? Did you help some people?
A. Yes; I help one girl.
Q. You just helped one girl?
A. Yes.
Q. How deep was the water you stand in?
A. Water right up to here. (Pointing to his chin.)
Q. Up to your neck?
A. Yes.
Q. And did you get hold of girl and put her on top of boat?
A. Yes.
Q. What else did you do?
A. Just close by the boat.
Q. What did you do then after you put girl on top keel? What did you do then?
A. I swim ashore.
Q. You no stay? You swim ashore?
A. The steamer boat take all the people on top of the keel of the boat.
The first boat came down there and then we all put in the boat.
Q. And then you swim ashore?
A. Everybody on top of boat first.
Q. You no wait until other boat?
A. The other boat was over that time. The first boat came in.
Q. This is second boat now. You arrived in second boat?
A. Yes.
Q. Did you stay in second boat until first boat come back?
A. Yes.
Q. Well, what did you do with passengers?
A. They jump on top other boat.
Q. And then what did you do?
A. I swim ashore.
Q. Then what did you do?
A. Then I waited until the boat capsized.
Q. You waited what?

A. Then I waited the second boat.
 Q. When did the second boat turn over again right side?
 A. Right on the sand.
 Q. You bring in shore that way?
 A. No; the other boy bring him in.
 Q. The other boy pull in?
 A. Yes.
 Q. Upside down all the time?
 A. Upside down.
 Q. Did you see Chinaman after he drown?
 A. No.
 Q. You didn't see him?
 A. No.
 Q. Do you know where he came in on the beach?
 A. No; I never see; that dark night.
 Q. Where did he come in on beach? Did somebody tell you?
 A. No.
 Q. You don't know where he landed on the beach?
 A. Nobody tell me.
 Q. What did you do after you got in on shore?
 A. I wait over there that the second boat turn over.
 Q. What you find inside?
 A. We find a trunk.
 Q. What else?
 A. That is all I see—a trunk.
 Q. You find any woman's clothes or anything underneath there?
 A. No; only trunk have, you know.
 Q. Any oars?
 A. Some oars.
 Q. How many?
 A. One—a spare oar.
 Q. One oar?
 A. One.
 Q. What time you go back ship?
 A. I don't know what time?
 Q. How long you stay wharf?
 A. About an hour.
 Q. Then go back ship?
 A. Then I go back ship.
 Q. About half-past ten you go back ship?
 A. I guess so.
 Q. Captain speak you you go back ship?
 A. No; the mate come up shore.
 Q. What did mate say?
 A. He say all the crew go back to the boat, back to the steamer.
 Q. How many passengers you see after the boat turn over? You say
 you help one girl?
 A. Yes.
 Q. And who else?
 A. One man.
 Q. You helped one man?
 A. The boat-steerer helped one lady and two small little children. That
 is all I see.

- Q. You work all the time since then? You work every day?
- A. No.
- Q. You don't work every day?
- A. No.
- Q. You belong Hall, W. G. Hall?
- A. Yes.
- Q. All the time on Hall?
- A. All the time on the Hall.
- Q. And just one time you make trip to Lahaina?
- A. Yes; first time.
- By Mr. Smith:*
- Q. Moses, did you hear the oar break, the boat-steerer's oar break?
- A. No; I never hear any noise.
- Q. Did you notice which way the boat was headed when she was capsized?
- A. Sideways.
- Q. Sideways to the waves?
- A. Yes; coming up this way; break on the side.
- Q. That is, when the wave hit the boat the boat was side to the wave?
- A. Yes.
- Q. Do you know why you were going up sideways that time?
- A. No.
- Q. Which way were you headed? Which way was the boat's bow?
- A. Lanai side.
- Q. Do you know where the channel to go into Lahaina was?
- A. Right in front of me.
- Q. Right in front of you?
- A. Yes.
- Q. Was the boat headed straight into the channel, or sideways?
- A. Sideways.
- Q. Was the boat-steerer standing up when the wave hit the boat?
- A. Yes; standing up.
- Q. Now, let me get this straight, Moses. When the wave hit you was the boat headed towards the Olowalu side or was the boat headed towards the Kaanapali side?
- A. The boat went up this side, Olowalu.
- Q. Was the wave on the starboard side or on the port side?
- A. On the Lanai side.
- Q. Which way were you facing?
- A. Facing Lanai.
- Q. Lanai or Kaanapali?
- A. Facing to the steamer.
- Q. You were facing the boat-steerer?
- A. Yes.
- Q. Was the stern of the boat, then, towards Lanai or the side of the boat towards Lanai?
- A. The behind the boat was towards Lanai.
- Q. You saw the reef, did you? Was the side of the boat towards the reef when the wave struck it, or was the stern or the bow of the boat towards the reef? When the wave hit the boat did the wave hit the stern of the boat or the side of the boat?
- A. The side of the boat.
- Q. Which way were the waves coming from?

A. This way.

Q. What do you mean by this way—that the wave was coming from the Lanai side?

A. Yes.

By Mr. Sutton:

Q. Moses, when you left the ship did you go around the back of the ship when you started ashore? You were rowing in the second boat when you left the Kilauea. Now, after you got your passengers and started for shore did you go around the bow or the stern?

A. The stern.

Q. And after you left the stern do you know which direction you headed? Could you tell which direction the boat was going? You were facing Lanai, were you?

A. Yes; facing towards the stern of the boat.

Q. Could you tell from where you were standing which way the boat was going?

A. No.

Q. When you capsized what was your location in relation to the red buoy—the red light on the buoy? Where was that—which direction from the place where you capsized—towards way or towards Olowalu way?

A. Olowalu.

Q. Towards Olowalu?

A. Yes.

Q. And what was the first that you knew that you were near the reef? Did you know it the minute you got there or two minutes before or five minutes before? Could you hear the roaring of the surf breaking on the reef just before you capsized? Did you hear the roar of the breakers on the reef?

A. Yes, I did; breaking on the reef.

Q. How long before?

A. About ten minutes.

Q. Ten minutes? Did you know how close to the reef you were? Did you know that your boat was near the reef?

A. Yes.

Q. Which way was the stern of the boat at that time? Was it headed for Lanai?

A. Lanai side.

Q. You didn't look around to see how close to the reef you were?

A. No.

Q. You said, in answer to Mr. Smith's question, that when the wave struck you it hit on the side of the boat, not on the stern of the boat. Now, suppose this pencil represents the line of the reef and this pencil represents the boat that you were in, now, was your boat headed in this direction, in relation to the reef, or was it located at an angle?

A. This way. (Illustrating an angle of about 60 degrees.)

Q. Moses, on this piece of paper I have marked the word "reef" next to one line and the word "boat" on the other line. Now, I put an arrow on the line next to the boat, pointing towards the reef. Is that the direction in which the boat was headed towards the reef?

A. Yes.

Q. Which way Olowalu?

A. Olowalu here.

Q. Over here Kaanapali?

A. Yes.

Q. Have you ever landed at Lahaina since the date of the accident? Have you been there again?

A. No.

Q. You no go there once more?

A. No.

Q. And you never went there before this day the boat upset?

A. No.

By Mr. Warren:

Q. Moses, you say you worked three years Mauna Kea?

A. No; W. G. Hall.

Q. Now, you have worked on Mauna Kea?

A. No. On first trip I go Kilauea.

Q. The boats belonging to the W. G. Hall more big or more small than Kilauea boat?

A. More small.

Q. How much? How many passenger W. G. Hall boat?

A. I don't know how many passenger.

Q. The first three years you work W. G. Hall, when you take passenger from steamer to go ashore, how many men take?

A. Three men.

Q. How many men from ship? Three men on crew, eh?

A. Three men, and boat-steerer make four.

Q. And how many people you take?

A. I don't know how many people.

Q. Any time how many? Two or three passenger? Ten or fifteen?

A. No; I don't know.

Q. How many feet long W. G. Hall boat?

A. I don't know how many feet.

Q. How many feet long Kilauea boat?

A. I don't know.

Q. One more long? Which one more long?

A. I don't know which one more long.

Q. You think maybe just about same?

A. I think so.

Q. And when you pull oar on W. G. Hall what oar you pull?

A. Same oar.

Q. What side? Starboard side or——

A. Any side; on both; on both two sides.

By Mr. Sutton: Q. At the time the boat capsized was it pounding on the reef wrong side up? Was the gunwale of the boat on the reef after it turned over? How deep water right where boat turn over?

A. Up to here. (Indicating. Reporter did not observe where.)

By Mr. Warren: Q. Boat hit bottom?

A. No.

Q. When wave go down boat hit bottom?

A. When wave go down boat hit bottom.

By Mr. Smith: Q. You see boat go down to bottom?

A. I feel on my body.

Q. You feel the boat hit bottom too?

A. Yes.

Q. How you feel?

A. Because the boat hit me on top of the head; me inside the boat.

Q. And you were on the reef?

A. Yes.

By Chairman Forbes: How long you on the boat?

A. Huh?

Q. How long time you underneath boat?

A. I don't know.

Q. You no long while underneath boat?

A. Yes.

Q. How long time underneath?

A. Just about ten minutes.

Q. Ten minutes?

A. Ten minutes.

By Mr. Warren:

Q. Boat turn over?

A. Yes.

Q. You stop under side?

A. Yes; I was underneath boat.

Q. You go underneath?

A. Yes.

Q. How long you stay there?

A. I guess about ten minutes.

By Mr. Smith:

Q. You breathe underneath boat, Moses?

A. No; I dive again that time.

Q. Just as soon as boat turn over you dive?

A. Yes.

Q. Wikiwiki?

A. Yes.

Q. And how many times boat hit your head?

A. Two times.

Q. Two times boat strike reef?

A. Yes.

Q. And that is outside reef or inside reef?

A. Inside the reef.

Q. And when you capsized boat inside the reef or outside the reef?

A. Inside the reef.

Q. Inside the reef when you capsized?

A. Yes.

Mr. Benjamin Ka-ne was here duly sworn as interpreter.

By Mr. Smith:

Q. Moses, I am going to ask Mr. Ka-ne a question and he speak Hawaiian to you. Where was the boat when she capsized—outside the breakers or inside the breakers?

A. Inside the breakers.

Q. And inside the reef too?

A. Right inside the breakers.

Q. And from where you touched bottom with your feet could you walk ashore or was the water deeper as you went towards shore?

A. It was deeper as you go further in shore.

Q. So that you think you were very nearly on top of the reef when the boat capsized?

A. Yes.

Q. Did you see the buoy with the red light as you went in before the boat capsized?

A. I saw the red light.
 Q. And were you on the Kaanapali side or the Olowalu side when the boat capsized?
 A. Towards Olowalu.
 Q. Were you near the red light when you capsized?
 A. No. Yes; the buoy with the red light was towards the Olowalu side when the boat capsized.
 Q. Do you know how far up you were from that buoy? Were you inside that buoy or outside that buoy when you capsized?
 A. Inside the buoy.
 Q. Now, how long were you under the boat when the boat capsized?
 A. About ten minutes.
 Q. Did you hold your breath all the time?
 A. I would breathe under the water because there was room there.
 Q. Underneath the boat?
 A. Underneath the boat.
 Q. And when the waves would go down, when the sea would go down, the reef would be bare of water?
 A. No; still water, but when the waves go down you cannot see the bottom.
 Q. About how deep was the water when the waves went down?
 A. Here. (Points to his chest.)
 Q. Did you know where the channel was?
 A. I don't know.

MR. HAIKU IONA,

being called as a witness, was duly sworn, and testified as follows:

By Chairman Forbes:

Q. What is your full name?
 A. My name is Haiku Iona.
 Q. What is your occupation?
 A. I do all kinds of work—sailor.
 Q. Who do you work for?
 A. With the Inter-Island.
 Q. How long have you been working for the Inter-Island Steam Navigation Company?
 A. Over two years.
 Q. You boat-boy all the time?
 A. Some time I go row boat, some time I go boat steerer.
 Q. What ship was you on on the night of May the 1st?
 A. Kilauea.
 Q. How long was you aboard the Kilauea? How long have you been working aboard the Kilauea?
 A. For that trip.
 Q. What is your regular boat?
 A. Mauna Loa.
 Q. What boat was you in on the night of the accident, the first or the second boat?
 A. The second boat.
 Q. Was you steersman of the second boat this night?
 A. Yes.
 Q. Describe the weather conditions this night.
 A. The wind was blowing inward through the channel. Sometimes it

was blowing a little hard and sometimes it was mild and dropped a little off.

Q. Had you ever been steersman at Lahaina before?

A. Yes.

Q. In which boat?

A. Mauna Kea.

Q. When?

A. Since the Mauna Kea arrive.

Q. How long have you served in the Mauna Kea?

A. More than two years.

Q. Where was this boat when it capsized? Describe the location of the boat when it capsized.

A. The location of that boat when it capsized was about one hundred feet from the wharf, that is, the bow of the boat pointed inward.

Q. How deep was the water?

A. Deep?

Q. How deep?

A. About between eight and nine feet.

Q. What did you do when the boat capsized?

A. When the boat capsized I try to help passengers.

Q. Was you underneath the boat?

A. No.

Q. What became of your oar?

A. I broke my oar before we capsized.

Q. You broke your oar before you capsized? What became of the rest of the oars?

A. I don't know.

Q. How did your oar come to break?

A. As the boat was going in the channel it was not very straight towards in line but kind of sideways, and I tried to make that boat straight to the channel, and in that case the oar broke while I was trying to straighten the boat. I was going in sideways with the oars.

Mr. Williams:

Q. I understand him to say that when he threw his weight on the oar to make the boat go around then he broke his oar? Is that right?

A. No.

Q. Then how did it come to break?

A. Because the wave is a big one.

Q. The wave that struck the boat?

A. Yes.

By Chairman Forbes:

Q. How many passengers did you help?

A. Five passengers.

Q. Who were they?

A. One Japanese and four Hawaiians.

Q. How many Japanese were in the boat?

A. Two Japanese.

Q. Were they men or women?

A. One man and one woman.

Q. Which did you help, the man or the woman?

A. The man.

Q. Did you try to help the woman?

A. I was trying to help her. I would have tried to help her if I had seen her.

Q. Was the Japanese man the husband of the lady?
 A. I don't know.
 Q. Did the Japanese man try to find the Japanese lady?
 A. The Japanese excited. It seems to me he got excited.
 Q. How long was the boat capsized?
 A. About ten minutes.
 Q. The boat was capsized only ten minutes?
 A. Ten minutes.
 Q. What did they do with the boat after it capsized?
 A. When the boat capsized we leave the boat there and we try to help the passengers.
 Q. What did you do with the passengers you helped?
 A. We helped the passengers to pull right over on the keel.
 Q. How many passengers were on the keel?
 A. Five.
 Q. How many passengers in the boat?
 A. I don't know exactly how many, but between eight and ten.
 Q. Where were the other five?
 A. I don't know what became of them. The five are the only ones I know.
 Q. Did you see the other five passengers at any time?
 A. No.
 Q. You hadn't seen them?
 A. No.
 Q. How do you know the Japanese man got excited?
 A. Why, I think the man was excited because when I got hold of him his hand was slapping on the water when I picked him up.
 Q. Was any one else excited there?
 A. I don't know any one else.
 Q. What effort was made to look for the missing passengers?
 A. We tried to search around where the boat capsized with other little boats from shore with lights and lanterns and we couldn't find them.
 Q. Did you wait until the steamer boats came before you searched?
 A. No; we searched before.
 Q. Did you look under the boat?
 A. Yes; searched under the boat and found one woman and a baby.
 Q. A Japanese woman and baby?
 A. Saffery's wife and child.
 Q. How long had she been under the boat?
 A. About five or six minutes.
 Q. Is it possible that when the boat capsized—I want to ask this question of Mr. Sheedy—if it is possible when the boat capsized that she would draw less water on her gunwales, upside down, than she would on her keel, if she was right side up?

Mr. Sheedy: A. It is pretty hard to say offhand.

Mr. Forbes: The reason I asked this question was because it might seem funny for a man to be under the boat for five or six minutes and it might be possible that the boat did draw less water when the gunwale was upside down.

Q. Now, I would like to ask if when the boat capsized it was broadside onto the sea when it capsized or it was bow onto the sea. What was the angle of the boat with reference to the sea that was running?

A. It had been going sideways. The wave was going towards shore and the boat was kind of not even with the water, running together, sideways.

Q. In other trips that you have made from a vessel to Lahaina has that always been the same course you have taken to get to the wharf?

A. It is not on the same line with the boat.

Q. I asked you if the course you took this night was the course that you were accustomed to take?

A. Yes.

Q. Was the Kilauea anchored in approximately the same location as the Mauna Kea anchors?

A. No; not in the same location.

Q. How far were you from the channel when the boat capsized?

A. About twenty-five feet.

Q. Twenty-five feet from the channel?

A. Twenty-five feet from the channel.

Q. How far were you from the ship?

A. Well, between the boat and the steamer was about from here to the McCandless building. (About 800 feet.)

Q. How far were you from the wharf?

A. More than one hundred feet.

Q. Did you know when the two passengers were drowned?

A. I didn't know whether there was anybody drowned.

Q. Didn't you count the passengers?

A. I counted only those I put on the boat. I heard it in Hilo.

Q. How soon after you left the ship did you return to the ship? How long a time did it take you after you left the Kilauea until you got back?

A. About two hours.

Q. And had the bodies been found?

A. No.

Q. They were not found?

A. No.

Q. How did you know they were not found?

A. Because I didn't know there was anybody drowned.

Q. What ship are you serving on now?

A. I am not working with the Inter-Island.

Q. How long have you been away from the Inter-Island?

A. About a month and three weeks.

Q. What became of the other boat-boys?

A. We came together.

Q. What became of them? Where are they now?

A. They are all here.

By Mr. Smith:

Q. Mr. Iona, on which side of the channel were you when the boat capsized—the Olowalu side or the Kaanapali side?

A. Towards Kaanapali side.

Q. Were you in the channel when you capsized?

A. On the side of the channel.

Q. And did you say that you were inside the reef when you capsized?

A. Inside.

Q. How far inside, do you know?

A. About this side of the room and then the other room. (Estimated at about 26 feet.)

Q. Did you capsize as soon as the wave hit you?

A. Yes.

Q. And was the first wave that hit you the one that broke your oar?

A. Yes.
 Q. And at the same time your oar broke you capsized, did you?—at exactly the same time?
 A. Just a little after.
 Q. Have you often steered the boat into Lahaina?
 A. Yes.
 Q. And you are thoroughly familiar with the channel?
 A. Yes.
 Q. Which way was the wind, do you know?
 A. From outside the channel, going towards shore, going inside.
 Q. Which way was the wind blowing with reference to the compass? Do you know whether the wind was coming from the north or south or west?
 A. Direct from the sea going inland.
 Q. Do you know whether it was coming from the south at all or not?
 A. I don't know.

By Mr. Warren:

Q. How deep was the water when the boat capsized?
 A. I answered that; about between eight and nine feet.

MR. LIPANA KAHOOLOUHI.

being called as a witness, was duly sworn, and testified as follows:

By Mr. Forbes:

Q. What is your full name?
 A. Lipana Kahooluhi.
 Q. What is your occupation?
 A. Sailor.
 Q. Where are you employed?
 A. At present time at shore with the Inter-Island.
 Q. In what capacity?
 A. Stevedore, laborer.
 Q. Were you a member of the crew of the Kilauea on the night of May the first?
 A. Yes.
 Q. Have you been regularly engaged on any of the vessels of the Inter-Island Steam Navigation Company?
 A. Yes.
 Q. How long?
 A. About a year.
 Q. Which boat were you an oarsman on on the night of this accident?
 A. The second boat.
 Q. Had you ever been an oarsman before at Lahaina?
 A. Yes.
 Q. How many times?
 A. Six months.
 Q. You have been running there regularly for six months?
 A. Yes.
 Q. On what ship?
 A. The Claudine.
 Q. What were the weather conditions the night of the accident?
 A. South; the wind was blowing southerly.
 Q. Was the sea rough?
 A. Not very.
 Q. Which oar was you pulling?

A. No. 2.

Q. What became of your oar?

A. At what time?

Q. When the boat capsized.

A. I lost the oar.

Q. Did you find it again?

A. No.

Q. How many passengers were there in the boat?

A. I don't know.

Q. Describe the location of the boat when it capsized?

A. The position on that night was that the waves just hit on the side of the boat.

Q. Was the boat broadside to the waves?

A. Yes; on the broadside.

Q. Was the boat on the usual course taken for the boats leaving the vessels going to the wharf?

A. No; not on the regular course.

Q. How far was the boat from the reef?

A. About fifty yards inside the reef.

Q. How far was the wharf from where you capsized?

A. About as far as the McCandless building.

Q. Is it customary for a Hawaiian sailor to define distances by an object?

A. No.

Q. Did you see the Chinese man and the Japanese woman who were drowned, who were lost in your boat?

A. Yes; I seen them.

Q. Where were they sitting?

A. They were sitting in the rear of the boat, in the stern.

Q. How far astern, the extreme stern?

A. Inside, right in the middle.

Q. In the middle?

A. Not quite in the middle, just abaft the middle.

Q. Then they were not sitting in the last seat?

A. No.

Q. How deep was the water where the boat capsized?

A. About the height of my neck.

Q. Were you standing on the bottom?

A. When the sea goes down it hit my head.

Q. Then ordinarily the water was over your body?

A. Yes.

Q. What did you do when the boat capsized?

A. When the boat capsized I was underneath and then I would dive and go over on the other side and call for help.

Q. Did you make any effort to help get the people out from underneath the boat?

A. No.

Q. Did you know there was someone beneath the boat?

A. No.

Q. What did the boat-steerer say to you? What orders did he give?

A. No.

Q. No orders given?

A. No.

Q. From the time you left the Kilauea how long was it before you got back?

A. Nearly an hour.

Q. Did you swim from the capsized boat to the wharf, or did you wait until No. 1 boat came back?

A. When the boat capsized I swam ashore and I met on my way a Japanese, one of the passengers of the capsized boat, and then I hold him and the Japanese sampan was coming and I put the Japanese on the sampan and the boat No. 1 was coming over from shore and I got on.

Q. Did you make any personal effort to save any of the passengers?

A. Yes; that is the very Japanese that I put on the Japanese sampan.

Q. I mean at the time the boat capsized. You met the Japanese on your way to the wharf. At the time the boat capsized did you then make any effort to save any of the passengers?

A. No; I was under the boat.

Q. How long were you under the boat?

A. Five minutes.

Q. Could you breathe under the boat?

A. No. I can stay under water for five minutes or more.

Q. Were you alongside the capsized boat when this lady was taken from beneath the boat?

A. No.

Q. Where were you then?

A. I was swimming ashore.

Q. Were you afraid?

A. No; I am not afraid.

Q. Why didn't you stay and render some help?

A. I am not afraid, but I just swam out to catch the other Japanese. The Japanese was on the other side of the boat, and I held him up until the sampan came.

Q. Do you know intimately the boat boys and the boat steerer?

A. Yes.

Q. Do you just go to sea occasionally or are you regularly engaged on a vessel?

A. Regularly.

Q. Can you steer?

A. I can try.

Q. Have you ever steered a boat?

A. No; only a row boat.

Q. How long have you been going to sea?

A. One year.

Q. And before that what did you do?

A. Stevedore.

Q. And you are now a stevedore?

A. Stevedore with the Inter-Island.

Q. Did you know that these two people were missing?

A. I didn't know they were missing.

Q. When did you find out?

A. At Hilo; when I was at Hilo.

Q. You didn't find out until you got to Hilo?

A. No.

By Mr. Smith:

Q. In answer to Mr. Forbes' question at the outset, you said that the wind

was southerly. Do you mean that the wind came from the south or was blowing towards the south?

A. Blowing from the south.

Q. You said that when the wave hit the boat the boat was not on its regular course, its usual course. What do you mean by that?

A. Because the boat anchor below the red light. That is the reason why this boat was going broadside with the waves.

Q. Your answer is that the reason the boat was going alongside the waves when she was hit was because the Kilauea was anchored below the red light?

A. Yes.

Q. When you were first hit by the wave were you inside the reef or outside the reef?

A. Inside the reef.

Q. What oar did you row that night?

A. No. 2.

Q. You could see the boat steerer?

A. No.

Q. Did you hear his oar break before you were upset?

A. No.

Q. Did you see him fall down?

A. No.

Q. Did you see the wave before it hit the boat?

A. No; I didn't see it.

Q. Was it a large wave which hit the boat which capsized it?

A. I don't know anything about it at all. I only know it when the boat capsized.

Q. Did you know it was a wave which hit the boat?

A. Yes.

Q. Now, when the wave hit the boat did it hit the side or the stern?

A. Right in the side.

Q. Which side?

A. Starboard side.

Q. Do you know how far out of your usual course you were when the wave hit the boat?

A. The boat was not going her usual course, kind of off on the side, when the boat capsized.

Q. Do you know how far off you were from your regular course when the boat capsized?

A. It seems to me we are off about fifty feet from the regular course.

Q. On which side of the channel do you think you were, the Kaanapali side or the Olowalu side?

A. On the Olowalu side.

Q. How do you know that you were off of the regular course or what made you think you were off of the regular course?

A. Because the boat anchored below the red light. That is the only reason I know we are off of the course.

Q. Well, do you know at the time—did you know at the time whether you were in the channel or not?

A. I can never tell because I am facing the steamer.

Q. So that the only reason you had for thinking that you were off of the regular course was the fact that the steamer was anchored below the buoy; is that right?

A. Yes.

Q. After you got out from under the boat do you know whether you were near the channel or not?

A. No; I can't tell whether we are going near the channel or not.

Q. Did you notice at all at any time after the accident whether you were near the channel or not?

A. I don't know.

Q. After you came out from under the boat did you see the lights of the wharf?

A. No.

Q. Where did you start to swim for when you left the boat?

A. From the place where the boat capsized?

Q. No. Where did you start to swim to?

A. After I dived from under the boat then I swam ashore.

Q. Well, after you dived from under the boat did you see the lights at the wharf?

A. Yes.

Q. How soon do you think it was after you came out from under the boat that you saw the lights of the wharf—immediately?

A. A little after.

Q. And from your position when you first saw the lights on the wharf could you tell whether you yourself were near the course which the boat usually took to go in or not?

A. As soon as I got out from the boat and sized up the location where the boat capsized, we are not on the regular course going in the channel; we are out of the course.

Q. And how could you tell that at that time?

A. Why, because the lights on the wharf are further up.

Q. The lights on the wharf were different from the regular course?

A. Here is an illustration how the lights were, the wharf and the boat, but at that time when I got out from under the boat I find out the lights were kind of towards the Olowalu side.

Q. That is, the light was further towards Olowalu than it usually is?

A. Yes.

Q. Have you any idea how much further towards Olowalu it was than it usually is?

A. No.

Q. You testified a while ago that at times when the sea would go down you could touch the bottom and the water would be up to your neck. At that time or at those times, were you close to the boat?

A. Yes; I was standing on the outside of the boat.

Q. When the boat capsized you came out from under it just as quickly as you could, did you?

A. When the boat capsized we all got underneath.

Q. And you got out from under just as soon as you could?

A. Yes. When the boat capsized I got under and so I dived, and on the first attempt I hit my head with a trunk, because there is a trunk on my side, and then I make another dive again close to the bottom and I get out from under.

By Mr. Warren:

Q. You have spoken several times of the usual course. What is the usual course for a boat to go in—from what point?

A. The reason why I testified that is that the red light on the buoy here is on the same line with the red light on the wharf. They are on the same line

as the regular course. We generally take that for the regular course.

Q. That is for the steamer boats?

A. Yes.

Q. But if you start from the steamer what is the difference in the course?

A. Well, the boats generally anchor right at the buoy, but that is what I say; that is the regular course to anchor like that, but when they come off the buoy I say it is off the course.

Q. Well, then, it doesn't matter very much if that is the regular course, does it, whether the steamer anchors one side or the other side of the buoy, does it?

A. Just the same.

Q. Now, isn't it also true that the Claudine anchors on one side of the buoy on the up trip and on the other side of the buoy on the down trip?

A. Yes; the Claudine generally uses both sides.

Q. Now, which position did the Kilauea take this time?

A. Well, the boat anchored about a hundred feet towards the Kaanapali side.

Q. And on the other trip they anchor about a hundred feet on the other side of the buoy; is that right?

A. On the Kilauea that is the first trip I went up and it anchored about one hundred feet from the buoy on the Kaanapali side.

Q. But that is the position the Claudine would take, depending on the position—depending on the direction which she was going, wouldn't it?

A. Yes; not too far from the buoy, but either way, towards Kaanapali or towards Olowalu.

Q. And the position of anchoring that steamer depends also on current and wind, does it not?

A. I don't know.

The Commission then took an adjournment until 10:00 o'clock a. m., July 19th, 1915, at which time the hearing was concluded.

JULY 19, 1915.

10 o'clock A. M.

MR. JOHN SAFFREY,

was called as a witness, was duly sworn, and testified as follows:

By Mr. Forbes:

Q. What is your full name?

A. John Saffrey.

Q. Where do you live?

A. Olowalu, Lahaina.

Q. What is your age?

A. Fifty-eight.

Q. Was you a passenger on the Kilauea on May 1st, 1915?

A. Yes.

Q. What was your destination?

A. Going to Lahaina.

Q. What time did you arrive at Lahaina?

A. I am not quite sure; about half past eight or nine o'clock.

Q. What was the weather conditions?

A. Calm.

Q. Can you describe the location where the Kilauea anchored?

A. The boat anchored further from the buoy, towards the Kaanapali side.

Q. That is her usual anchorage place, is it not?

A. No; further up.

Q. How much further up?

A. About two hundred yards from where the Kilauea anchors.

By Mr. Sutton: Q. Yards?

A. Yards.

Br. Mr. Scott: Q. You are speaking of the Kilauea now? The Kilauea only runs occasionally?

By Mr. Forbes: Q. Do you know how many feet there are in a yard?

A. Three.

Q. Which boat did you leave the ship in, the first or the second boat?

A. The second boat.

Q. How many passengers were in the boat?

A. Three Japanese, two Chinese, myself and family, a total of five Hawaiians, making ten.

Q. Did you have any hand baggage with you?

A. Yes; three packages, valises.

Q. What was the weather conditions when you left the ship's side for the wharf?

A. No wind; calm.

Q. A calm sea?

A. A calm sea.

Q. Describe any conversation that occurred between any member of the passengers and the steersman.

A. I am the only one that asked one of the crew of the boat. His name is Ahia. I told him we are not going in the regular course; we are way far down, and this place is very bad; they generally have high winds from this direction we are going. As soon as we leave the boat we go the direction of the wharf instead of going the regular course. As soon as we leave the boat, the steamer, we go directly to the wharf on the course that was not generally taken by any boat to go to shore.

Q. How long have you lived at Lahaina?

A. I lived at Lahaina since 1868.

Q. Are you acquainted with the channel?

A. Yes; I know it thoroughly. I have been a boat boy there.

Q. A boat boy? In whose employ have you been a boat boy?

A. Captain Taylor, under Captain Taylor.

Q. Under Captain Taylor?

A. Yes; he runs a boat.

Q. You have made many entrances to the channel from the Inter-Island boats?

A. Yes.

Q. Have you ever been a steersman?

A. Yes; steer sometimes; sometimes boatman.

Q. How far was the boat from the Kilauea when she capsized?

A. Well, we are too far. We were right in the channel.

Q. Right in the channel?

A. Right in the channel before the boat capsized.

Q. What was the position of the boat in relation to the sea?

A. The boat was going directly towards the wharf, in line with waves at the stern, but when the steersman saw the waves he turned the boat broad way and the wave hit the boat broad way on that side.

Q. Describe what happened from the time the boat left the vessel until it capsized.

A. While we were on the boat I heard one of the boatmen, the crew, say that the sailors are drunk on the boat and he will make them swim when they get in Lahaina; he will make that boat capsize. While we were going to Lahaina he says that. Hiku is the man that said that.

Q. How do you know the men were drunk?

A. I saw them on the boat drunk, and being I don't know who the crew will be on that boat, finally, when we got on the boat I saw this big fat man steer the boat, and the crew.

Q. Where was you sitting when the boat capsized?

A. We capsized inside the channel.

Q. Where were you sitting when it capsized?

A. Near the boat steerer.

Q. What happened when the boat capsized?

A. We were all caught under the boat.

Q. All caught under the boat?

A. Myself, my wife and my children.

Q. Do you know how many were caught under the boat?

A. Well, I could not very well tell, because it was dark, but I am pretty sure all the passengers were under there.

Q. Who got you out from beneath the boat?

A. I dive under the boat with my child and that dead Chinaman, thinking it was my wife.

Q. You brought out the dead Chinaman?

A. He was not dead at that time when we got out.

Q. What did you do with the Chinaman?

A. I told him to start right for shore because the water was not deep, right at his neck. I told him to go direct to the shore and don't go any further towards Kaanapali; "you will get in deep water."

Q. Did you see the Chinaman start for the shore?

A. When I got under the boat I was still holding the Chinaman, and when I got outside of the boat I told the Chinaman to go and I let the Chinaman go and then he started to go for shore.

Q. How deep was the water there?

A. (Points to his neck.) When I let the Chinaman go ashore the only men there is the steersman of the boat, the steerer.

Q. Did you see the balance of the crew around the boat?

A. Only the steersman. All the sailors were not there.

Q. What became of the sailors?

A. I don't know; probably they swam ashore.

Q. Describe what became of the rest of the passengers that were in the boat.

A. They were still under the boat and then my daughter came out from under the boat. They are still under the boat.

Q. Who were the passengers that were on the keel of the boat?

A. Myself and my boy were on the keel of the boat.

Q. Did you see any other passengers at any time on the keel of the boat?

A. Then my daughter came out from under the boat; only three of us on the keel of the boat.

Q. Was you still on the keel of the boat when the first boat came back from the wharf?

- A. There is a little boat the first boat that reached the capsized boat.
- Q. A small boat?
- A. A small boat.
- Q. Not an Inter-Island boat?
- A. No.
- Q. Who got into the small boat?
- A. My two children.
- Q. Is that all?
- A. There were only two taken ashore. Quite a long time after that and as soon as I take my children to shore people from shore they swam over to the capsized boat and they were holding the boat, because not enough until they get enough men there and the Inter-Island boat come back from the wharf to the capsized boat, and the crew of that boat call to these men swim in the water to turn the boat, and these men turn the boat and not one of the crew of the Inter-Island, of the first boat.
- Q. The capsized boat was righted by the passengers?
- A. By these people from shore.
- Q. Was the lights distinguishable from where you were capsized? Was there any distress light on the wharf?
- A. Yes; I see lights on the wharf.
- Q. Did the Inter-Island do everything they possibly could do to rescue the passengers?
- A. No.
- Q. What more could the Inter-Island do in the way of rescuing?
- A. Well, if the crew did not leave the boat there would be no trouble, so they would render assistance to the passengers, if they stayed around there and got the passengers from under the boat.
- Q. Did you see the Japanese girl that was lost?
- A. I don't know. When these men from shore got to the boat they didn't turn the boat up but just lift the boat up so as to get a little room underneath to dive in and then dive in and some man got hold of my wife. You know, when they lift the boat up these men outside of the boat dive in and my wife is still under the boat. When she dived she found the hair of a woman and when she dived she pulled it out and thought it was the hair of my daughter, but, come to find out, the hair was the hair of that Japanese woman.
- Q. How many men were lifting this boat?
- A. Probably twenty; I don't know—plenty Japanese; more than twenty.
- Q. Do you think the five members of the crew could have lifted that boat?
- A. Yes; five, or even four, can do it.
- Q. Do you mean lift it or right it?
- A. Lift it.
- By Mr. Scott:* Q. Lift one of those heavy boats?
- By Mr. Forbes:* Q. Did you lose your personal effects?
- A. Yes; all our packages. We lost all our packages.
- Q. How long was you at the capsized boat before you left for the shore?
- A. About fifteen minutes; because that was the length of time my wife was on the boat with the daughter. As soon as they got off the boat we started for shore.
- Q. Did you see the steerer's oar break?
- A. No.
- Q. Did you see any of the oars break?
- A. No; I don't know whether the oars broke. I don't have any idea that

any oars broke because they were capsized, and on the way I don't know what happened. All of a sudden the boat capsized.

Q. Did you see any of the oars fall in the water?

A. No; I wasn't looking for those oars. I was thinking of my family.

Q. Did you see the remains of the Japanese lady and the Chinese man at the time they were on the beach, at the time they floated in?

A. Yes.

Q. How long after the boat capsized were they found?

A. About one hour the Chinese was found.

Q. And the Japanese lady?

A. The Japanese lady it was very long before she was found, about two o'clock in the morning.

By Mr. Sutton:

Q. Mr. Saffrey, you spoke of having heard while you were on the Kilauea a conversation or statement made by someone that the crew being drunk they would get a soaking when they got into Lahaina. Who told you that?

A. The man's name is Hiku. He was telling that to the other sailor on the boat. That is while they were on the steamer, telling them, "All right, when we get at Lahaina we will have a swim."

Q. Just what did Hiku say to these men? Just what was it that Hiku said to these other sailors that you overheard? Give the exact words that Hiku used in speaking to the sailors, telling them what would happen to them when they got to Lahaina.

A. Meaning just to capsize the boat.

Q. I want the words that Hiku used. I don't care what the meaning was. I just want the conversation that you overheard.

Q. Well, these sailors were drinking together and this big man he says they was around there and this man was telling to the other members, "That's all right; you people are having a good time like that; when we get over there we will have a swim; we will go there to Lahaina and have a swim there."

Q. And that was all you overheard?

A. Yes.

Q. Were you drinking with the sailors at the time you overheard this?

A. No.

When did you first remember having heard this conversation? Is this the first time you remembered it?

A. The first time.

Q. You didn't say anything about this conversation at the inquest, did you?

A. Yes.

Q. I have here a copy of the testimony that you gave before the coroner's inquest at Lahaina, Mr. Saffrey, and I have read it through and there isn't any statement at all about anything of that kind. Now, why is it you can remember a conversation of that kind now, when just a few days after the accident you didn't remember anything about it? Who told you this?

A. Nobody told me this.

Q. Why didn't you tell it before the sheriff and the coroner's jury at Lahaina?

A. The reason why I didn't say anything in regard to this was because they won't give us time to answer or to explain—very little time—so I could not explain any further, and that is the very reason I haven't said so.

Q. That is your only reason for not having said anything about it at the time—that you were hurried so?

A. Yes; because when I asked, he says, "Have you answered?" I says yes, because I could not stay there any further, because when they put the question to me I answered and I told. It is true. I cannot explain anything further.

Q. You spoke also of your wife having caught the hair of the Japanese woman who was drowned. What do you know about that? How did you learn of it? Did you see it?

A. No; my wife told me.

Q. Then you don't know anything about it at all?

A. No.

Q. Now, this Chinaman, you say you got the Chinaman that was later drowned and pulled him out from under the boat, thinking it was your wife?

A. Yes.

Q. When you got him out why didn't you put him on the keel instead of sending him ashore? Was it perfectly safe to walk ashore?

A. Yes.

Q. It was all right, was it, perfectly safe?

A. Yes, sir.

Q. Where was the water?

A. Up here. (Pointing to his neck.) The steersman wanted to pull the boat out. I said, "No; go inside."

Q. When the waves went down how deep was the water where you were standing out there?

A. When the water is low, at the neck, and when it is high, over the head.

Q. And how is the walking from the place where the boat capsized towards the shore? Does it get shallower as you go in?

A. Yes.

Q. Well, could a man walk ashore from the place where the boat capsized, or would he have to swim part of the way?

A. No; walk.

Q. Walk all the way?

A. Yes.

Q. You said that the Kilauea was anchored two hundred yards further towards Kaanapali than the Kilauea usually anchors. Do you mean by that that the Kilauea was two hundred yards further away from her usual anchorage, or the Kilauea was two hundred yards further towards Kaanapali than the other Inter-Island boats, the Claudine, the Mauna Loa or the Mauna Kea, or any of the other boats anchor?

A. Other boats anchor there. I am only estimating about two hundred yards.

Q. In other words, you were not referring to the usual anchorage of the Kilauea, but the anchorage of the usual boats that go to Lahaina, when you said that the boat was two hundred yards further towards Kaanapali? You are sure it was two hundred yards?

A. I said at the buoy.

Q. Well, let that go. You said that the boat was two hundred yards further towards Kaanapali?

A. That is too far.

Q. A little too far?

A. Yes.

Q. Not quite that far? It was dark?

A. Yes.

Q. Now, from the red light outside of the channel to the wharf how far is it? Is it as far as from here to the McCandless building?

A. Just about.

Q. Then, as I understand you, Mr. Saffrey, the position of the boat, of the Kilauea, with reference to the channel was about this: A representing the Kilauea, B representing the red light, and C the wharf? (Showing the witness a diagram hereto appended and marked Exhibit "B".)

A. Yes.

Q. You say that the boat started directly for the shore, the boat that you were in?

A. When the boat left the Kilauea the boat was like this. (Showing on the diagram.)

Q. Directly towards the shore and not paying any attention whatever to the wharf then?

A. Directly towards shore.

Q. And now you want to change your testimony? On your direct examination you said when the boat left the Kilauea you left directly for the wharf. Now you think that is wrong, do you?

A. I didn't say that. I didn't say directly to the wharf. I said directly to the shore. When the boat left the steamer they started direct to the shore instead of direct to the wharf. That is what I said.

Q. Then your statement on direct examination, that the boat that you were in, that capsized, when it left the Kilauea started for the wharf, is incorrect and you want to now change that and state that the boat instead of going in that direction went straight towards shore?

A. Yes; I want to change that testimony. Instead of going direct to the wharf going direct to the shore.

Q. During your examination by the coroner at the inquest held on the death of the Chinaman and Japanese woman, you were asked this question: "Q. That course that the boat took that night, is that the course generally taken by boats generally going to the landing?" Your answer to that question was: "No, except when it is very calm. I have never seen boats take that course in rough weather."

A. My answer to that question is correct, according to my own testimony.

Q. Well, how do you reconcile your statement now, that the boat was not headed towards the landing, with the inference that is to be gained from this answer of yours at the inquest that the boat was going towards the landing?

A. Well, I don't believe that I ever said that the boat was heading to the landing. I mean more directly to the shore in landing there with the boat, with the steamer.

Q. As a matter of fact, Mr. Saffrey, aren't you trying to make your testimony fit in with this story of the ducking that the crew was supposed to get?

A. No.

Q. Mr. Saffrey, if Eugene Devauchelle says that instead of you doing anything to try to help any of the passengers or your wife or your children you were standing out there in the water yelling your head off, is that right or is that wrong?

A. Yes; I was yelling, calling for help.

Q. That is true about your yelling for help, but how about Eugene Devauchelle's statement that you were not doing anything to render any assistance to your wife or your children? Is that true?

A. That is true until the time the other girl came right under the boat—"Kokua, kokua! Help, help!"

Q. On your direct examination, Mr. Saffrey, you said twice or three times that at the time the boat was capsized you were in the channel. Now that

you have changed your meaning about the direction the boat was traveling in, do you want to change that also and state that instead of the boat being capsized in the channel you were on the reef?

A. I don't remember that I stated the way that we capsized in the channel. We capsized in a reef, inside, which means the channel inside the reef. We call that a channel.

Q. Was there any conversation between any of the passengers and any of the crew during the time when you left the Kilauea until you were capsized, that is, conversation with respect to the direction the boat was going in before you were capsized?

A. No.

Q. There was no conversation?

A. No conversation.

Q. Did you have any talk with any member of the crew on this subject?

A. I am the only one that asked the steerer of the boat that we are not going in the right direction; we are going on the reef.

Q. And what was his reply?

A. He didn't say anything.

Q. Well, was your remark loud enough so that he could have heard it?

A. He was standing behind my back and I just turned at him and told him that we are too far below the channel. He don't say nothing.

Q. He never said anything?

A. No.

Q. Did he change his course after you made this remark?

A. Yes; he turned the course.

Q. Immediately?

A. Immediately turned his boat straight down.

Q. So it was right after your remark that the boat capsized?

A. Well, after I called his attention that we are not in the right course at that same time he saw breakers—

Q. (Int.) Who is he?

A. The steersman. The steersman when he saw the breakers he could not help turn the boat or else we would get capsized.

Q. At the time you made this remark were the breakers in sight?

A. Inside as we are going we see the breakers right in front of us.

Q. How far away from the breakers were you when this remark was made?

A. From the other wall of the room to this room.

Q. Did any one else besides yourself call the attention of the boat steerer to the fact that you were out of your course?

A. No; I was the only one that made that remark.

Q. You were sitting between the boat steerer and the rest of the passengers, were you not?

A. Yes; here is the boat steerer and me here and my wife on this side.

Q. Where were the passengers, in front of you?

A. In front of me.

Q. So if any of the other passengers made a remark to the boat steerer, you would have heard it?

A. I know I am the only one that asked him.

Q. Now, if Katie Keao says she told the boat steerer he was out of his course she is mistaken?

A. All I know, I am the only one reminding the boat steerer that we are out of the course.

By Mr. Forbes:

Q. Did you see any of the crew drinking, taking a drink?

A. I didn't see them drinking, but they were all drunk. I saw that. I know that.

Q. What was your answer when Mr. Sutton said that if this Katie Keao made a statement, that is, if she testified that she remarked the boat was not on the right course—that she was mistaken? What was your answer to that?

By Mr. Sutton: I looked at the transcript and I see she didn't make that statement until after the boat capsized.

By Mr. Sutton:

Q. You said you knew the crew was drunk. Were they all unable to walk?

A. They were drunk, but they could walk.

Q. They had been drinking, but they could walk?

A. Yes.

Q. Could they row?

A. Well, I can't tell, because when we got there whether they were the same men on the boat or different I could not tell.

Q. After this boat got into this perilous position, shortly after which it was capsized, would it have made any difference if the crew had all been strong men without any touch of liquor in them?

A. It would not make any difference. We would capsize on the course we had taken.

Mr. S. G. Noda was duly sworn as interpreter.

MR. MIZOKAMI NAOKICHI

was called as a witness, was duly sworn, and testified as follows:

By Chairman Forbes:

Q. What is your full name?

A. My name is Mizokami Naokichi.

Q. What is your occupation?

A. I am a milkman.

Q. Was you a passenger on the Kilauea on May the first?

A. Yes; I was.

Q. What was your destination?

A. My wife was sick in town——

Q. That is not the question. Where was you going in the Kilauea?

A. I was on my way to my home in Lahaina.

Q. What time did you arrive at Lahaina?

A. I think about ten o'clock in the night.

Q. Which boat did you go ashore in, the first or the second boat?

A. The second boat.

Q. Can you recognize any of the crew of the boat.

A. I cannot recognize. I cannot tell who it is.

Q. Did you see anything unusual about the crew? Had they been drinking?

A. I cannot recollect whether they were drunk or not. I didn't go into that so far. I couldn't tell.

Q. What time did you arrive at Lahaina?

Q. How far was it from the Kilauea to where the boat capsized?

A. I couldn't tell the exact distance, but about five minutes after the boat left the steamer.

Q. Where was the small boat you was in when it capsized?

A. I could not describe exactly where the boat capsized. I can only tell it was about five minutes after it left the steamer.

Q. Do you know whether you were in the channel or on the reef?

A. It was quite a deep place and I think it is about five minutes after we left the steamer.

Q. How deep was the water there?

A. Where the boat capsized I cannot tell the exact depth of it, but as the waves pushed me alongside to the reef then I found out it was shallow, but where I fell down it was deep.

Q. Can you swim?

A. Yes; I can.

Q. What did you do when the boat capsized?

A. As soon as the boat capsized I could not do anything. I was under the boat. I tried something, but I could not do.

Q. How long were you under the boat?

A. About fifteen minutes.

Q. How did you get out from under the boat?

A. When the boat capsized I could not tell, but as the boat came alongside and the waves pushed me along to the shallow part then I came out. I felt something touch my foot and I thought it was the land. As soon as I got out from under the boat there were lots of men around me watch for help and there were lots of men to go help and we call for help and they take me away.

Q. Do you consider the Inter-Island was negligent in the offer of assistance?

A. I could not very well tell that they neglect throughout on their part, but at the same time if they gave a hand right away as soon as the boat capsized we might be better off after we were capsized until I got alongside to where it was shallow.

Q. What do you think that the Inter-Island might have done in the way of further assistance?

A. Well, I could not give any—I could not tell exactly what the crew should have done outside of what they done. I could not tell anything. That was the best I think.

Q. Have you been abused by any of the Inter-Island officers or crews?

A. Well, I didn't see anybody abused or anything like that. I think that the handling of the third class passengers is not the right way.

Q. Did you swim ashore from the capsized boat or did you get into a small boat and go ashore?

A. I went ashore on the boat that went before.

Q. Boat No. 1?

A. Yes; No. 1 boat. They were back already when I came out from under the boat.

Q. Isn't it true that you had already gotten assistance from the Inter-Island by getting into this No. 1 boat?

A. I think it was the crew of the first boat that helped me out and put me on the boat and took me ashore.

Q. Did you see any of the crew of the second boat after you came from beneath the boat?

A. That was the first time I rode in the boat and I cannot tell.

Q. Did you know the Japanese lady that was drowned?

A. Yes; I did know.

Q. Did you know she was beneath the boat?

A. I could not exactly tell whether that is her or not, but I felt with my foot there was some other person beside me.

Q. How was it that you felt her with your feet? Was it someone in the bottom?

A. The one I felt was drowned already while I was hanging onto the boat. I felt it down in the bottom.

Q. Did you make any effort to reach her?

A. No; I didn't try to help her.

Q. Why not?

A. Well, I was the one myself that was nearly going to die; so I didn't care to pick up the other person below me that I felt.

Q. How long have you lived in Lahaina?

A. About fourteen years. I took a trip to Japan once between.

Q. Have you been to Lahaina many times?

A. About three or four times.

Q. Are you a fisherman?

A. No.

Q. Did you feel any sense of danger when you was beneath the boat?

A. Yes; I did.

Q. It was not worth the effort to try and save this Japanese woman that you were probably walking on? You stated that you felt with your feet this woman on the bottom. Did you walk on her? Did you step on her?

A. I didn't do any such thing as that.

Q. Were your feet on the bottom when you were beneath the boat?

A. Not at the first time, but gradually when the boat came to shore my feet were on the bottom.

Q. Well, were your feet on the bottom when you saw this Japanese lady?

A. No; not at that time.

Q. It was in deep water, was it?

A. It was in deep water.

Q. Where did you go after you got ashore?

A. I went to my relative at the Lahaina hotel after I got ashore.

Q. Was you summoned before the Coroner?

A. No; I didn't go.

By Mr. Scott: Q. I would like to ask this witness. He testified here that the third class passengers he didn't think were properly handled. In what manner aren't they properly treated?

A. I could not point out one by one where they were not treated rightly, but of course I am complaining with the first class passenger and the third class.

By Mr. Williams: He means he thinks as a general rule they are not treated as well as the third class passengers should be.

By Mr. Sutton:

Q. When you were under the boat and during the time you felt this woman under your feet, or with your feet, what were you doing? What was your position under the boat?

A. I just hung onto the boat and did the best I could to hold onto it.

Q. What part were you holding onto, one of the seats?

A. The middle part of the boat. I was hanging onto the middle of the boat. There was a board across the middle of the boat, just where the bottom of the boat is.

Q. One of the floor boards? Was your head out of water?

A. My head was out just enough to breathe.

- Q. Was your head touching the bottom of the boat?
- A. Yes, sir.
- Q. So that when you were standing up you would stretch from the bottom of the boat downward about five feet two, wouldn't you?
- A. About that.
- Q. Was that your position during all the time after the boat capsized until the boat was overturned and you were taken out?
- A. Yes.
- Q. Then by deep water you mean water that was below the bottom of your feet?
- A. Yes.
- Q. And when you got to shallow water that is when your feet touched bottom? In other words, you might have been in five feet of water when you call it deep water? This woman you felt with your feet, did she grab your feet?
- A. The person I felt with my feet didn't even try to grab my legs.
- Q. Do you know what part of her body you struck with your feet?
- A. I could not tell.
- Q. You could not tell by the feeling?
- A. No, sir.

MRS. PAPU SAFFERY

was called as a witness, was duly sworn, and testified as follows:

By Chairman Forbes:

- Q. What is your full name?
- A. Papu Saffery.
- Q. Where do you live?
- A. Olowalu.
- Q. Was you a passenger on the Kilauea the night of this accident?
- A. Yes.
- Q. Was you in the first or the second boat to leave the vessel?
- A. Second boat.
- Q. Who was with you?
- A. Myself, my husband, my children, a Chinese and Japanese.
- Q. Do you know how many passengers there were?
- A. Ten.
- Q. Was you sitting close to your husband?
- A. Yes.
- Q. Did you hear your husband speak to the boat steerer?
- A. Yes.
- Q. What did he say?
- A. I heard him say that the boat is too far down and not in the regular place to go to the wharf.
- Q. Did the boat steerer answer him?
- A. No.
- Q. What did he do?
- A. Still steering the boat.
- Q. How far was the boat from the vessel at this time?
- A. I could not remember how far.
- Q. How soon after your husband spoke to the boat steerer did the boat capsize?
- A. Right after he told the steersman and then the boat capsize.
- Q. Did the boat steerer shift the course or change the course of the boat when your husband told him he was on the wrong course?

A. Yes; he changed the course towards Hawaii and right then the boat capsized.

Q. Did you see the oar break, the steerer's oar break?

A. No.

Q. Did you see any of the oars break?

A. No.

Q. Did—were all your children around you when the boat capsized?

A. Yes.

Q. When the boat capsized what did you do?

A. I called for help.

Q. Well, was you under the boat?

A. Yes.

Q. Where were your children?

A. Under the boat with me.

Q. Did you hold onto them?

A. Only one of the girls.

Q. Where were the others?

A. The other children I don't know where they are.

Q. Did you know that all of your children were under the boat?

A. I only know one.

Q. Was your husband under the boat with you?

A. No.

Q. Where was he?

A. He dive up out of the boat.

Q. Was there enough room under the boat by which you could freely breathe and talk?

A. Yes; there was room there provided that the seas goes down, but of course when the seas go up we have to go under water and when the seas goes down we have plenty of room to breathe.

Q. How long were you under the boat?

A. I don't remember how long.

Q. Who got you out from beneath the boat?

A. My big daughter.

Q. Didn't your husband help to get you out?

A. He got out of the boat with the other little boy. He could not leave that little boy. He got out together with that little boy.

Q. What was done with you when you got out from beneath the boat?

A. I was carried over a boat.

Q. On top of the boat?

A. I was carried over onto another boat.

Q. Who carried you over there?

A. Cousins to my husband.

Q. Was your husband there when you got out from under the boat?

A. He was already on the boat and I was carried too.

Q. What boat was this your husband was on?

A. It is a boat from shore. I don't remember who owns the boat, but I saw a lot of Japanese in the boat.

Q. Did you see the Chinese or the Japanese girl?

A. They were lost in the boat.

Q. Where were they when you last saw them?

A. I last seen them when we were on the boat, before we capsized.

Q. Did you see them after the boat capsized?

A. No.

Q. Did the boat's crew render assistance in rescuing the passengers?

A. No.

Q. Where was the boat's crew when you came from beneath the boat?

A. When I came out from under the boat I didn't see them; only the boat steerer holding the boat.

Q. Did the boat steerer help to rescue any of the passengers?

A. No; he is holding the boat—the boat steerer.

Q. Who was instrumental in making this rescue? Who was instrumental in sending the passengers in, if the Inter-Island was not?

A. Only me and a man that dived under the boat and picked me up.

Q. Who was that man that dived under the boat and picked you up?

A. Ninau.

Q. Is he a Hawaiian?

A. Yes.

Q. Who rescued your children?

A. The other girl with me under the boat we go together when the other man dive underneath to pick out under the boat. That girl went with me, and the other one went with my husband already out there.

Q. Where did you go when you got ashore?

A. When we got ashore we are taken over to my husband's family.

Q. Did you lose your personal effects?

A. Yes; except the clothes I was wearing.

Q. Were the boat's crew drunk?

A. I don't remember. Only when we were on the steamer I saw some of them drunk.

Q. Did you see them drinking?

A. No.

Q. How did you know they were drunk?

A. I know by their actions, talking.

Q. Are you sure it was the boat's crew that was drunk?

A. No.

Q. You are not sure?

A. No; dark.

Q. Was you with your husband all the time while you was aboard the Kilauea and after you went aboard the small boat?

A. Yes.

Q. Did you see the men drunk or did your husband tell you they were drunk?

A. I saw them because they were sitting around us.

Q. Where were the men when you first saw them drunk?

A. On board the steamer.

Q. What part of the steamer?

A. On the stern.

Q. Steerage?

A. Yes; steerage.

Q. Was you a steerage passenger or a first class passenger?

A. Steerage.

Q. Describe the location of the boat when it capsized. Where was it with reference to the channel?

A. I cannot remember.

Q. Could your feet touch the bottom when you was in the boat?

A. No; I don't put my foot down because I was holding to the inside bottom of the boat.

Q. And do you consider that the Inter-Island Company did everything in their power to assist in the rescue?

A. I don't know.

Q. You don't know?

A. I don't know.

Mr. Sutton: No questions.

KATIE KEAO,

called as a witness, was duly sworn, and testified as follows:

By Chairman Forbes:

Q. What is your name?

A. Katie Keao.

Q. Where do you live?

A. Olowalu.

Q. Was you a passenger on the Kilauea the night of this accident?

A. Yes.

Q. Was you a first class passenger or a steerage passenger?

A. Steerage passenger.

Q. Did you see the members of the crew of your boat on the Kilauea during your trip from Honolulu to Lahaina?

A. No.

Q. You didn't see the members of the crew?

A. No.

Q. Do you know whether or not any of the members of the boat's crew were drunk?

A. No; I don't know because when I got on the steamer I sleep. I seasick.

Q. You were on the first or the second boat that left the Kilauea this night?

A. The second boat.

Q. Was you seasick when you left the ship?

A. Yes.

Q. You were still seasick?

A. Yes.

Q. Where was you located in this boat?

A. I was sitting together with Saffery and wife and children.

Q. Do you know how far your boat was from the vessel when it capsized?

A. I don't know that because I am seasick. I do not know.

Q. Did you hear Mr. Saffery tell the boat steerer that the boat was off its regular course?

A. Yes.

Q. You did?

A. Yes.

Q. Did he speak loud enough so that the boat steerer could hear him?

A. Yes; he spoke loud enough.

Q. What did he say?

A. He said, "We are too far down to the landing."

Q. Did the boat steerer make any reply?

A. No.

Q. What did he do?

A. He was steering the boat. So one of the waves came up. So he turned the boat over to the side.

Q. He turned the boat broadside to the wave?

A. Yes.

Q. So that the wave hit the boat broadside?

Q. Yes.

Q. Did you know where your boat was at that time? Were you in the channel or on the reef or near the reef?

A. Further down towards Kaanapali-side.

Q. Further down towards the Kaanapali side?

A. Outside of the reef.

Q. Now, when the boat capsized what did you do?

A. I was under the boat and I was calling for help.

Q. You were under the boat and calling for help?

Q. Yes.

Q. Where was Mrs. Saffery?

A. She was under too.

Q. Close to you?

A. Yes.

Q. Could you talk to her?

A. Yes; we both of us were calling for help.

Q. Well, did you have any conversation? Was it so you could speak with Mrs. Saffery under the boat.

A. I don't talk with her. I just only call "Help! Help!"

Q. Where were the children?

A. The children I don't know.

Q. You don't know.

A. No, sir.

Q. Did you see the Chinese man or Japanese girl that were drowned?

A. No.

Q. At no time did you see them?

A. No, sir.

Q. Was you facing the boat steerer or facing the——

A. (Int.) I was facing the bow.

Q. How long was you under the boat?

A. I was under the boat I think about ten minutes.

Q. About ten minutes?

A. Yes.

Q. Did you find space enough between the boat with which to breathe freely?

A. Yes; when the waves go down I could breathe. If the waves came up my head would be under the water.

Q. Did you see any of Mrs. Saffery's children while you were under that boat?

A. No.

Q. Who rescued you from beneath the boat?

A. Myself.

Q. What did you do?

A. I catch the edge of the boat and hold one hand like this and come up.

(Illustrating.)

Q. Can you swim?

A. Yes.

Q. Did you see the boat's crew when you came from under the boat?

A. No; I couldn't see them.

Q. None of them?

A. None of them I didn't see.

Q. Who was around the boat when you came out?

A. Well, John Saffery with his little son.

Q. Did you bring anybody out when you came out from under the boat?

A. When I came out one small boat came out from the harbor and took me out.

Q. As soon as you came out from beneath the boat you were taken in a small boat and taken ashore?

A. Yes, sir.

Q. And you didn't see anything of the rescue there?

A. No, sir.

Q. You don't know what became of the Chinese boy or Japanese girl? You don't know anything about that?

A. No, sir; because I was the first one went ashore.

Q. You didn't see any oars break on the trip from the vessel to the shore until you capsized?

A. No, sir.

Q. But you did hear Mr. Saffery tell the boat steerer he was not on the right course?

A. Yes, sir.

Q. Can you describe where the boat was at any time from the time it left the vessel until it capsized?

A. It was too far down where the harbor is. The boat was headed directly to shore.

Q. Have you made many trips between Honolulu and Lahaina?

A. Yes.

Q. How many have you made?

A. Four times.

Q. Was the boat on any different course this time than any other times you were aboard?

A. No.

Q. No different course?

A. This is different.

Q. What did you do when you got ashore?

A. I went to my sister's place and changed my dress.

Q. And then what did you do?

A. From there I went home.

Q. You went home?

A. Yes, sir.

Q. Are you satisfied that the Inter-Island did all they could to rescue these passengers?

A. No.

Q. They did not do all they could?

A. No.

Q. What makes you think they didn't?

A. I don't know why that.

Q. You don't know?

A. No.

Q. You said when you came out from under the boat that you did not see the Chinaman?

A. Yes.

Q. Did you see any of the rest of the passengers?

A. I didn't see them; no.

Q. What made you remark that the crew were damn fools when you came from beneath the boat?

A. Because we call for help and because they don't come so quick, because

they were damn fool because they don't come so quick, and I scream and scream and I cannot call any more.

Q. At any time you were under the boat did any of the boat's crew dive beneath the boat and get any of the passengers? Did you feel anybody touch you?

A. No.

Q. And all the rescues that were made were made by the passengers themselves or someone who were not members of the crew?

A. I don't know that because I was the first to be taken ashore.

Q. Now, at the Coroner's inquest didn't you say you were put on the keel of the boat? Didn't you give that evidence, that you were put on top of the keel?

A. Yes; I climbed myself on the boat.

Q. What makes you state now, then, that when you came out from beneath the boat you were put in a small boat and taken ashore?

A. From that place. They came down quick and got me. I sat down; they come right away.

Q. Well, was you on top of the capsized boat?

A. Yes, sir.

Q. Who put you there?

A. Myself; I climbed on.

Q. You climbed on?

A. Yes.

Q. Didn't you say that as soon as you got out of the boat you got into a small boat and rode right away?

A. After that the boat came.

Q. How long were you on the upturned boat before you were taken away?

A. I think about two minutes.

Q. Who else was on the upturned boat?

A. John Saffery.

Q. And who else?

A. And his little son.

Q. Where was his wife?

A. Well, still underneath.

Q. His wife was under the boat and he was on top?

A. Yes.

Q. What did he say to you?

A. We call for help. We call for help, and nobody come. Then in about five minutes the first boat came down.

Q. Did John Saffery make any effort to save his family? Did he try to save his family?

A. Yes.

Q. How?

A. The small boat took his little son off.

Q. No, no. You stated that his wife and children were under the boat.

A. Yes; two of them, she and the little girl.

Q. And he was on top of the boat?

A. Yes.

Q. All this time?

A. Yes.

Q. Did he tell you that he knew they were in there under the boat, or did you tell him?

A. He know.

Q. And he sat on top of the boat and didn't try to dive beneath and get his family out?

A. Because the little son was there; so he could not let the little son go.

Q. Couldn't you have held the little son?

A. He had the little son, and then I had the little son.

Q. Then after that what did he do?

A. After that I don't know.

Q. After you took the son did Mr. Saffery stay out there by the capsized boat?

A. Yes; only myself and his son went out to the shore.

Q. Did you see Mr. Saffery when he came to the shore?

A. No; I didn't see him because I was going to my sister's house.

Q. When you and the little boy was on the boat alone where was Mr. Saffery at this time?

A. Mr. Saffery was near to the capsized boat.

Q. In the water?

A. Yes; in the water.

Q. What was he doing?

A. Well, I don't know that.

Q. Did you see the boat steerer in the water?

A. I don't know.

Q. Do you know the boat steerer?

A. No; I don't know him.

Q. Do you know any of the boat boys?

A. No.

Q. Had you ever seen them before?

A. No.

Q. Did you see any of the boat boys on shore when you got on shore?

A. No; because I went right home.

Q. How many people were around the boat when you came from beneath it? When you came from beneath the boat how many people did you see around?

A. I only saw John Saffery and his son.

Q. And you were under the boat how long?

A. About ten minutes.

Q. How long before the first boat came back, the first Inter-Island boat, that had the first passengers? How long before it came back from the wharf?

A. I think about five minutes.

Q. Was you there then?

A. Yes.

Q. What was in this boat that came back?

A. I don't know.

Q. Some of the boat boys?

A. Yes.

Q. The boat steerer?

A. Yes.

Q. Why didn't you get into that boat?

A. They told me to go home in that small boat.

Q. Did you see what they did when they got to the capsized boat?

A. No; I didn't see.

Q. You didn't see?

A. No.

Q. You stated that you saw two waves strike the boat?

A. Yes.
 Q. The first one didn't capsize you?
 A. No.
 Q. The second one?
 A. Yes.
 Q. A big one?
 A. Not very big.
 Q. Was the second one bigger than the first?
 A. Yes.
 Q. The second was bigger than the first?
 A. Not very big.
 Q. Not very big?
 A. Yes.
 Q. Did you know that there was a Chinaman and a Japanese girl lost?
 A. No; I did not.
 Q. When did you know it? When did you first hear about it?
 A. In the morning I heard that, because I went right straight home.
 Q. And you don't know very much about this at all, do you?
 A. No; I don't know very much because I went home straight.

By Mr. Sutton:

Q. Just a few moments ago you said when you got out from under the boat there was no one there but John Saffery and his little son and that they were sitting up on the keel of the boat. Is that right?

A. Yes.
 Q. How about the boat steerer?
 A. I didn't see him.
 Q. You didn't speak to him?
 A. No.

Q. At the coroner's inquest you said that when you got on the boat you told the boat steerer he was a damn fool?

A. Yes; I told to John Saffery.

Q. Then let me call your attention to the testimony you gave before the coroner's inquest. The question was this: "Did you say anything to the boat steerer?"

A. No; I didn't.

Q. Well, this is what you said: "A. I told him he was a damn fool. They ought not to turn up this way." Q. When was that you told them? A. After the boat capsized and I came out. Who did you tell that to? A. I don't know who it was. When I came out there was only one sailor." Now, was there any sailor there?

A. I didn't see any sailor.

Q. So, then, this testimony before the coroner's inquest is not correct?

A. I only saw John Saffery there and this little boy.

Q. And there was no sailor there? That is what you want to testify to now?

A. Yes; I didn't see any sailors there.

Q. Then let me call your attention to a little more of the testimony of yours before the coroner. After you had answered that there was only one sailor there the coroner said, "Any questions?" And Juror Whitehead says, "She says one sailor. Does she know what particular sailor it was?" And you answered, "I can't see plainly. I saw only one was there." Q. You don't know whether that was the man who steered the boat or not? A. I don't know." Then question by Mr. Mossman: "Q. Did anybody put her on the keel of the

boat? A. Yes; one sailor. The one that was outside when I came out." Now, is that all wrong? Is what you are telling now the correct statements?

A. I didn't say any sailor. I think there was a sailor there.

Q. Now, didn't that sailor help you on the keel of the boat?

A. No.

Q. Then when you said then that he helped you on the keel of the boat you made an incorrect statement and what you are telling now is right?

A. I think what I told is right.

Q. You think what you told before the Coroner's inquest was right?

Your recollection of the events at that time was better than it is now?

A. Yes.

Q. That Coroner's inquest occurred on May 6th?

A. Yes.

Q. And your recollection at that time was better than it is now?

A. Yes.

Q. So if there is any difference between your testimony today and what it was before the Coroner's inquest you think the statements made before the coroner's inquest were correct and what you state now is incorrect in so far as it differs from the other?

A. Yes.

Q. When you started in towards shore from the Kilauea and before you were capsized were you standing up in the boat or sitting down?

A. Sitting down.

Q. Was your head high enough so that you could see out towards shore?

A. No.

Q. You were sitting in the bottom of the boat?

A. Yes.

Q. And you could not see what direction it was going?

A. No.

Q. Then you could not see anything?

A. I could only see the black thing.

Q. You don't know from what you saw whether there was a first wave that turned the boat over or a second one that capsized it? It was merely what you felt?

A. Yes.

Q. Now, when you were before the coroner's inquest you gave a very accurate description of the location of the boat at the time it was capsized, showing how the boat was in relation to the waves. You were asked this question: "How many waves did you see?" And to that you answered: "Two waves, but the first wave was not so trouble, but the second wave capsize." Now, if you told the coroner's jury that you saw two waves, would you say that you saw them or would you say that you didn't see them, at the present time?

A. I saw them.

Q. Then you were not down in the boat where you couldn't see the waves?

A. I could see the black thing.

Q. Then you must have been sitting high enough so that your head was at least above the level of the gunwale of the boat?

A. I was sitting on a level.

Q. Sitting on the side?

A. Yes.

Q. Then you could see the waves?

A. Yes.

Q. Well, before Mr. Saffery spoke to the boat steerer was the boat headed for the wharf?

A. Yes, sir.

Q. Headed towards the wharf?

A. Yes, sir.

Q. In a straight line from the steamer Kilauea to the wharf, or more up? Here is a piece of paper I have marked. This line here is the shore. I have written the word "shore" there. The letter "C" is where the wharf is. The letter "B" is where the lighted buoy is.

Chairman Forbes: Q. Do you know what a buoy is?

A. Yes, sir.

By Mr. Sutton:

Q. And your father said that the Kilauea was down about here at the point "A". Now, in which direction did the small boat travel from the time it left the Kilauea until you were capsized—towards the wharf?

A. Running straight up.

Q. This way or that way?

A. (Witness shows on diagram.)

Q. Oh, running straight towards shore?

A. Yes, sir.

Q. Not towards the wharf, straight in towards the shore?

A. Yes, sir.

Q. Not away towards the red light?

A. No, sir.

Q. Not down towards Kaanapali, but straight in towards the shore?

A. Yes, sir.

The diagram shown the witness is hereto appended and marked Exhibit "B".

Mr. Farm Cornn was duly sworn as interpreter.

MR. Y. CHUENG KONG,

called as a witness, was duly sworn, and testified as follows:

By Chairman Forbes:

Q. What is your name?

A. Y. Chueng Kong.

Q. Where do you live?

A. You want now or at the time?

Q. Well, where do you live now?

A. Some place I don't know the name of the street.

Q. In Honolulu?

A. Yes; I live in the city now, from Lahaina.

Q. Was you a passenger on the Kilauea on the night of May the 1st?

A. Yes; I was.

Q. A steerage passenger?

A. Steerage passenger.

Q. What boat did you leave the ship in, the first or the second boat, to come to the wharf at Lahaina?

A. The second boat.

Q. Who was in the second boat?

A. I remember there was two Chinese, one other Chinese and myself, and there were some Japanese and Hawaiians; just how many I couldn't say.

Q. What was the weather?

A. It was good weather; it was pretty calm.

Q. Did you notice whether or not the boat boys were intoxicated?

A. I couldn't say whether they were intoxicated or not. I didn't pay any particular attention to them, but the waves were about the same as usual.

Q. Can you describe the position of the boat when the wave struck it?

A. Well, we were capsized just as soon as we were struck by the waves.

Q. Just as soon as you were struck by the waves?

A. Yes, sir.

Q. Was the boat heading towards the shore?

A. Well, the boat was headed towards the Chinese stores.

Q. Where was you sitting in the boat?

A. I was at the head of the boat with the rower.

Q. The head of the boat?

A. Yes.

Q. Was the other Chinaman that was lost sitting near you?

A. I think he is about in the center of the boat.

Q. Did you know him?

A. Yes; I know him.

Q. Where was you when the boat capsized?

A. I don't know where I was. I was in the water. Just where I was I couldn't say.

Q. What did you do when the boat capsized?

A. After it capsized and I was thrown around I got out of the boat, out of the water, and I had hold of one of the oars, and I held onto that.

Q. Well, were you under the boat any length of time?

A. Not very long. I came out of the bottom right away.

Q. Did anybody help you out?

A. Nobody helped me.

Q. Did you see any broken oars?

A. I didn't notice any oars broken.

Q. What did you do when you got out from underneath the boat?

A. Well, after I got out of the boat and got hold of the oar I held it under my arm and I was walking around and swimming around in some deep place and I was out there for quite a while until a boat came and took me ashore.

Q. What boat took you ashore?

A. There is a boat that carried mail.

Q. Was it an Inter-Island boat?

A. It is.

Q. An Inter-Island boat?

A. Yes.

Q. Did you see any of the crew—any of the boat crew—after you got out from under the boat?

A. I didn't see any.

Q. Did you look for them?

A. Well, I looked around and I didn't see any.

Q. You didn't see anybody?

A. No.

Q. Didn't you see a big fat man sitting on top of the boat?

A. Yes; I saw one there, and then he disappeared. He had a boy with him.

Q. He had a boy with him?

A. Yes.

Q. Then this man was under the boat for some time, then—for some little time?

A. No; I didn't see this man with the boy right away. It was after a while I saw him.

Q. Did the members of the crew help you in any way?

A. No.

Q. Did you see the members of the crew help any one?

A. I didn't see any. It was quite dark then and I couldn't see and I didn't see any there.

Q. How long before a boat came to your rescue?

A. I think it is between ten and twenty minutes.

Q. Did the Inter-Island Steam Navigation Company render all the assistance possible?

A. Yes; they are assisting; that is, they are sending a boat to the rescue after we are sending for help.

Q. Can you swim?

A. Yes; a little.

Q. What is your business?

A. Well, I am a laborer. I used to work on the rice field and I have been working in the cane field at the plantation.

Q. How long have you lived in Lahaina?

A. That is the first time I arrived at Lahaina.

A. The first time?

A. Yes, the first time.

Q. Did you lose your personal effects?

A. I lost all my personal effects.

Q. Did you report it to the Inter-Island Steam Navigation Company?

A. No; I haven't.

Mr. Sutton: No questions.

Mr. Scott: No questions.

MR. AHIA MOEPOHO,

called as a witness, was duly sworn, and testified as follows:

By Chairman Forbes:

Q. What is your name?

A. Ahia Moepono.

Q. What is your occupation?

A. Sailor.

Q. Where are you employed?

A. With the Inter-Island.

Q. How long have you been with the Inter-Island?

A. About a month.

Q. About a month?

A. About a month.

Q. Where was you a sailor before you were with the Inter-Island?

A. Mauna Loa.

Q. On the steamer Mauna Loa?

A. Yes.

Q. How long have you been working for the Inter-Island?

A. About a month.

Q. About a month working for the Inter-Island Steam Navigation Company?

A. I was employed a month before the accident.

Q. Were you on the boat that was capsized on the night of May the first?

A. Yes.

Q. What oar was you pulling?
A. No. 3 oar.
Q. Do you know Mr. Saffery?
A. Yes.
Q. Did you see him sitting in front of you?
A. Yes.
Q. Describe the location of the boat where the wave struck it and capsized it.
A. The wave hit broadside and capsized us.
Q. How far was the boat from the Kilauea when it capsized?
A. From here to Nnuanu street.
Q. How far was it from the shore?
A. About half of that, from here to Nnuanu, about one-half of it.
Q. When the boat capsized what did you do?
A. I just dived out from under the boat.
Q. How long after the boat turned over did you dive out?
A. About three minutes.
Q. What did you do when you came out?
A. As soon as I got out of the boat I grabbed an oar and swam ashore.
Q. Grabbed an oar and swam ashore?
A. I had a sore foot.
Q. What made your foot sore?
A. Hit by the boat. So I only hold one foot and hold an oar to swim ashore.
Q. Did you help any of the passengers?
A. I couldn't because I was struck.
Q. What did you do with the oar you swam ashore with?
A. I swam with the oar until I got to shallow water and then I left the oar and then I walked and threw the oar out.
Q. What became of the oar?
A. I don't know what became of it.
Q. Did you stay around the boat after you got from underneath of it long enough to see any of the passengers come out from under?
A. Yes.
Q. Who came out?
A. I could not recollect. I didn't see their faces. It was dark and then I was a little way from the boat.
Q. You mean to say that you were hurt to the extent that you could not render any aid to the passengers?
A. Yes.
Q. Did the rest of the boat boys do anything towards rendering assistance?
A. The boat steerer is the only man I saw around the boat.
Q. The boat steerer was the only man you saw around the boat? When you got ashore did you see the rest of the boys?
A. No.
Q. When did you go back to the Kilauea that night?
A. The last boat leaving shore.
Q. Did you know that there was a Chinese boy and a Japanese girl lost?
A. After; yes, I heard.
Q. How soon after?
A. About an hour after that.
Q. Are you acquainted with the Lahaina channel?
A. Yes.

Q. Was the boat—did you consider the boat on its proper course to the wharf at the time of the accident?

A. I don't know; because I was facing the steamer.

Q. How many times have you been into Lahaina?

A. That was the first trip.

Q. You have never been in Lahaina before?

A. Not as a boatman, but I live at Lahaina.

Q. Not as a boatman? What were you doing in the Inter-Island service before you went out as a boatman? Were you a deck hand?

A. I was a sailor on the Mauna Loa carrying sand to Hilo.

Q. How deep was the water where the boat capsized?

A. I think about eight feet?

Q. Did you walk in all the way from the boat to the shore, or did you swim part of the way?

A. I swam until I got into the still water and then I walked.

Q. Did any boats pass you on the way in, going out?

A. Not until I got at the wharf; the boat started out.

Q. Did you know there were passengers still underneath the boat when you got out from underneath it?

A. Yes, sir; there is a passenger under the boat.

Q. Did you tell anybody there were passengers under the boat?

A. Yes. When I left the capsized boat I started for shore and I called for help and kept on calling for help until I reached the wharf.

Q. What was the boat steerer doing when you saw him?

A. I don't know what he was doing there.

Q. Was he holding onto the boat? Was the boat steerer holding onto the boat or was he rendering any assistance or what?

A. I don't know what he was doing.

Q. You don't know what he was doing?

A. No.

By Mr. Sutton:

Q. When you testified at Lahaina before the coroner's inquest you said you had been into Lahaina many times before.

A. Yes.

Q. Well, is that right or not?

A. Well, yes; that is right. I told that at that time because I was a sailor under the Wilder Steamship Company and I have been there many times.

Q. How long were you with the Wilder Steamship Company as a sailor?

A. About a year and a half.

Q. How long were you a sailor on the Mauna Loa before you were transferred to the Kilauea?

A. About a month on the Mauna Loa.

Q. And then this was the first trip on the Kilauea?

A. Yes.

Q. Did you ever work on any other Inter-Island Steam Navigation Company's boat that landed at Lahaina before the Mauna Loa?

A. No.

Q. You said you live at Lahaina?

A. Yes.

Q. While you were there did you get acquainted with the channel?

A. Yes.

Q. Do you know the right way to go in?

A. Yes.

Q. What was the nature of the injury to your leg?

A. It is all right now. (Shows the scar to the Commission.)

Q. I see you have a scar on your leg below the knee. Was that scar the result of the injury you received at that time?

A. Yes.

Q. Was that injury to your leg painful at the time?

A. Yes.

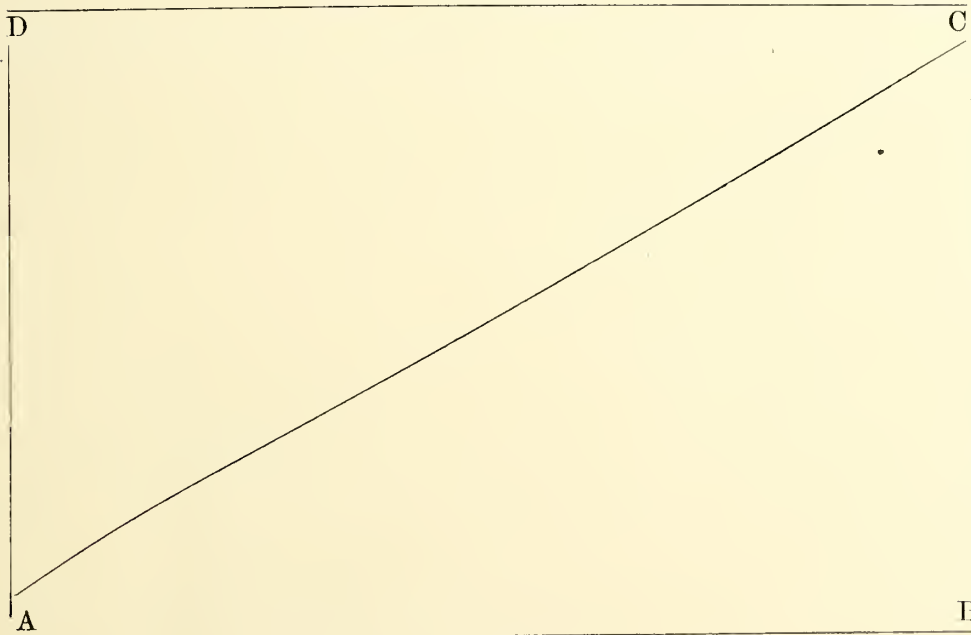
Kaanapali

Boat

Reef

Olowalu

Shore



In the Matter of the Investigation of)
an Accident of the Inter-Island Steam)
Navigation Co., Ltd., which occurred)
at Lahaina, Maui, in which Chow Soy) FINDINGS.
(male) and S. Ushi Kuwaye (female))
were drowned while being transported)
to the Landing from the S. S.)
"Kilauea".)

The Commission has reviewed the evidence taken at the inquiry into the causes of the Lahaina drowning and begs to report as follows:

Having reviewed all of the evidence, the Commission is satisfied that the accident could have been avoided had the boat been on its proper course and under control of a deck officer. The evidence bears out the fact that the weather on this occasion was not unusual; that no danger signals were displayed; that no precautionary instructions were given to the boat's crew; that the boat was steered to the reef, and on the boat-steerer becoming aware of the fact he turned the boat to get on the right course, and in so doing was capsized at the edge of the reef, some 150 yards West of the Lahaina wharf, reason for the said capsizing given as being the breaking of a steering oar; that the crew, with the exception of the boat-steerer, deserted the capsized boat without rendering all possible assistance to the passengers; that the boat-steerer was warned that he was on the wrong course by a passenger who was thoroughly familiar with the Lahaina waters, however, the boat-steerer denies having heard this.

In the main, the evidence given by persons examined by the Public Utilities Commission corroborates the evidence given at the Coroner's inquest held at Lahaina, Maui, on May 6, 1915, to inquire into the causes of the deaths of the two persons mentioned.

From the evidence taken at the Coroner's inquest, dated May 6, 1915, and at the hearing held by the Public Utilities Commission of Hawaii on May 8, and on July 16, and 19, 1915, the Commission is satisfied that the loss of life on the occasion of said accident on the 1st day of May, A. D. 1915, thereat inquired into, was due to the negligence of some of the employees of the Inter-Island Steam Navigation Co., Ltd., to-wit: the boat-steerer and the crew of the boat which was capsized, and that this Commission concurs in the findings of the Coroner's jury handed down on the 6th day of May, 1915, at Lahaina, Maui.

PUBLIC UTILITIES COMMISSION OF HAWAII.

By

CHARLES R. FORBES,
Chairman.

A. J. GIGNOUX,
Commissioner.

J. N. S. WILLIAMS,
Commissioner.

Honolulu, T. H., August 10, 1915.

SUPPLEMENTARY REPORT.

AFFIDAVIT OF JOSEPH E. SHEEDY, GENERAL SUPERINTENDENT OF THE
INTER-ISLAND STEAM NAVIGATION CO., LTD.

Affidavit of Joseph
E. Sheedy, General
Superintendent,
I.-I. S. N. Co.

"Inter-Island Steam Navigation Co., Ltd.,

"Honolulu, T. H., August 3rd, 1915.

"Public Utilities Commission,

"Honolulu, T. H.

"Gentlemen:

"At the meeting of your Commission held on July 16th and 17th last witnesses were examined relative to the accident at Lahaina on May 1st, in which two passengers from the S. S. 'Kilauea' were drowned while going ashore in one of the life-boats of the 'Kilauea'. At the close of the hearing your Commission suggested that instead of the writer being called to give testimony on behalf of the Company relative to the conditions at Lahaina, etc., he submit a statement relative thereto concerning all matters to which he would testify if called. Accordingly the following statement is submitted:

"*Lahaina Landing:*

"The anchorage at Lahaina is an open roadstead, there being quiet water only along the shore behind the reef, which is suitable for small boats and sampans. All steamers anchor outside of the reef and the pulling boats approach the landing through a channel in the reef about 100-150 feet wide. During Southerly weather the waves break across the entrance to this channel, and quite often under other weather conditions a long swell will be running and blind rollers will break across the entrance without any warning.

"The Federal Government maintains an anchorage buoy at Lahaina which is situated about 3-10ths of a mile from the wharf on which the Inter-Island Steam Navigation Company maintains a red lantern which is lighted by a man from shore every night when it is possible to reach the buoy. In the past it has been found that the buoy could not be reached probably a quarter of the days in the year, owing to the weather conditions, and occasionally when the lantern has been lighted it has gone out due to the rolling of the buoy, etc.

"The function of this buoy is simply to indicate the anchorage to the captain, as it is very hard to tell with the bright shore lights just how far off the beach the vessel is and the buoy simply indicates the depth of the water and has nothing to do with the range for the anchorage.

"It is customary with our vessels anchoring around the buoy to give the right of way to the through vessels,—that is if the 'Mauna Kea' is to be at Lahaina on any night the 'Mikahala' or the 'Claudine' anchor so as not to cause any delay to the 'Mauna Kea'. As a rule vessels anchor on the side of the buoy from which it is approached, those from Honolulu on the Honolulu side and those from Hilo on the Hilo side, and under normal weather conditions the captains run right up to the buoy and anchor so as to allow the vessel swinging clear. This, of course, depends entirely upon the weather conditions and on the set of the current, and there can be no fixed rule about it.

"The steamships 'Claudine', 'Mauna Kea', 'Mauna Loa' and 'Mikahala' anchor off Lahaina several times each week, this being the connecting point for in and out mail. Each week there are eight vessels which anchor off Lahaina at night and five vessels which anchor there during the daytime.

"The bearing of the wharf and the buoy at Lahaina is Northeast-Southwest, the distance being approximately 3-10ths of a mile and the reef about 1-5th of this distance from the wharf.

"The correct way to approach the landing at Lahaina is to open up the line of the wharf and continue on that course with the boat and if this is done the reef will be cleared.

"Precautions at Lahaina:

"In addition to the light maintained at the expense of this Company our agent at Lahaina is instructed to display a green and a red light on the end of the wharf whenever landing conditions are unusual. If the weather is so bad that it is impossible to land a red light is placed above the green, but if the landing can be made with care the green light is placed above the red. If there are unusual conditions no lights are displayed and on the night of this accident no lights were shown.

"Before any boat is lowered from any vessel at Lahaina the captain gives careful attention to the surf and the signals displayed on the end of the wharf, and if the weather conditions are at all unusual a mate is sent in a boat. At all times either the purser or the freight clerk make the trip there in the first boat.

"As an additional precaution when the weather conditions are unusual the captain plays the searchlight on the entrance to the channel while the boats are going ashore, and directs them by signals as to the course to take and the time when the boat may safely proceed toward the wharf between the rollers.

"Handling of Passengers:

"In landing passengers at Lahaina the first passengers to be taken ashore are the cabin passengers. No deck passengers are allowed to be in the boat with the cabin passengers but are sent in separate boats. The mail may be sent in any of the boats, depending upon the number of passengers, the amount of hand baggage and mail. The only discrimination in the handling of deck and cabin passengers is in the fact that the cabin passengers are the first ones to be taken ashore. As respects the safety of passengers, cabin and deck passengers are handled alike, the same care being exercised with respect to both.

"As to the number of passengers handled in a boat this depends a great deal upon the weather conditions at the landing. In no case is the number of passengers handled in any boat landing at Lahaina or elsewhere anywhere near the capacity of the boat as fixed by the Federal authorities. The average capacity of the boats of the 'Kilauea' is 35.8 persons per boat, but rarely if ever, is the total number of passengers and crew in one boat more than 20 persons.

"The records of the Company show that this loss of life at Lahaina was the first loss at any place in the Islands in 23 years. During this time we have carried over a million passengers, this loss representing .0002 of 1% of the persons carried.

"In the year 1912 we carried over 71,000 passengers; in 1913 over 84,000 and in 1914 over 73,000, without a single serious accident of any sort and with practically no accidents even of the most minor character. Of these passengers carried more than 1/2 were landed through our small boats.

"This record of the safe handling of passengers, of which we are justly proud, is due in a great measure to the fact that the crews on our boats are much larger and, due to the almost continuous use of small boats, are the best boatmen in the world.

"90% of the Company's business is handled through the small boats and a large tonnage and a very large number of passengers have been carried yearly since 1878 with a remarkable absence of serious mishaps.

Equipment of Lifeboats:

"The Federal authorities appreciate the local conditions and recognize the

fact that our lifeboats are unsinkable, and accordingly the wooden lifeboats on steamers navigating Hawaiian waters exclusively, are exempt from requirements relative to lifeboat equipment for all other American steamers, except for the requirements for extra oars. This is a result of tests of our boats showing that these boats will not sink under any conditions, and we are not even required to fit the air tanks commonly installed in lifeboats.

"The boat equipment for any steamer depends primarily on the number of persons carried, but the size of the individual boats depends a great deal upon the work done,—for instance the boats with the larger capacity are used on the steamers working the sugar landings, and it so happens that one of the smallest steamers of the Company has the largest boats, this being the 'Iwalani' whose lifeboats have an average capacity of 39 8-10ths persons per boat.

"The question of boat equipment is all regulated by the Federal laws and regulations and the boat equipment on all of our vessels is in excess of the requirements of the Federal authorities.

"Crews of Vessels:

"The crews of the various vessels belonging to the Company are selected by a shipping master at Honolulu and are composed mostly of Hawaiians and Japanese, preference being given to Hawaiians because of their larger stature, greater strength, experience and natural ability in handling small boats. The boat steerers are selected on account of their experience and knowledge of conditions at the various landings, and all who are in the service of the Company have been employed for a considerable length of time, and all of the boat steerers on passenger vessels are steady and reliable men.

"The men in these crews keep shifting from vessel to vessel and aside from steamers on the regular runs it is very unusual to have the same crew for any length of time. However the work in small boats is practically the same all over the Islands and so long as the boat steerer is acquainted with the particular landing it makes no difference whether the crew ever saw the landing or not.

"The time of service as given by the different men of the boat's crew before your Board does not agree with the records of this office.

"Our records show as follows respecting the crew:

"Hiku was a member of the crew of the S. S. 'Mauna Kea' from 1908 to 1909 and boat steerer on the 'Mauna Kea' from 1909 to 1911; 'Helene' 1911 to 1912; 'Claudine' and 'Iwalani' 1913; 'Noeau' 1914, and 'Mauna Loa' and 'Kilauea' 1915.

"Lipono served as a member of the crew on the 'Mauna Loa' from 1901 to 1905; 'Noeau' and 'Kinau' 1905 to 1907; 'Kinau' 1907 to 1909; stevedore for Company January 1, 1909, to June 7, 1909; as a member of the crew of the 'Mauna Loa', 'Noeau' and 'Keauhou' 1909 to 1913; 'Mauna Loa' 1913 to 1915 and 'Mauna Loa' and 'Kilauea' 1915.

"Moke served as a member of the crew of the 'Iwalani' 1900 to 1902; boat steerer 'Keauhou' 1902 to 1903; stevedore for Company 1903-1904; crew of 'Mau', 'Likelike', 'Noeau', 'Niihau', 'Mikahala', 'W. G. Hall' 1904-1913; 'Kinau' and 'Helene' 1913 to 1914, and the 'Mauna Loa' and 'Kilauea' 1914 and 1915.

"Moepono was a member of the crew of the 'Hawaii' and 'Kaiulani' from 1903 to 1910 at Hilo, stevedore for Company 1910 to 1911; crew of 'Kinau' and 'Mau' 1911 to 1913; 'Mauna Loa' 1913 to 1914; 'Kinau', 'Waialele' and 'Helene' 1914 to 1915 and the 'Mauna Loa' and 'Kilauea' 1915.

"Umanma served as a member of the crew of the 'Helene' from 1902 to 1906; boat steerer on 'Helene' 1906 to 1907, crew of 'Mikahala', 'Keauhou',

'Noeau', 'Helene', 'W. G. Hall', 'Iwalani' 1907 to 1913; 'Kinau' 1913 to 1915 and 'Mauna Loa' and 'Kilauea' 1915.

"In view of the foregoing record there can be no question but what the boat steerer and the members of the crew of the second boat were not only experienced boatmen, familiar with the landing at Lahaina by reason of many landings at that port, but also reliable men of steady habits.

"During the hearing before your Board one of the witnesses, John Saffry, testified to the effect that the crew of the boat which overturned were drunk. In this regard you are advised that Captain Berg states that while Hiku served under him while he (Berg) was mate of the 'Mauna Kea', that he had never seen any sign of drink on Hiku. Hiku himself emphatically states that he never drinks or smokes. And while this may seem remarkable the writer has good cause to believe it.

"From our reports of the accident it appears that the master took all necessary precaution for normal weather conditions, and there was nothing to indicate then, nor has anything since developed, to indicate, that further special precautions should have been taken by him.

"A great deal of space has been given to criticism of the master of the 'Kilauea' for having left Lahaina before both bodies were recovered, and we would call your attention to the uselessness of the 'Kilauea' remaining any later at Lahaina. The vessel was carrying mail and passengers for Hilo and the captain stayed until reasonably sure that nothing further could be done. He thereupon left the matter in the hands of the Company's agent at Lahaina and proceeded on his voyage.

"Under the Federal regulations and laws the master of the vessel is responsible for the safety of all on board and he is the sole judge of the number of boats to be used, the number of passengers to be carried in each boat and all other provisions looking toward the safety of the persons entrusted to his care.

"While the Company would welcome any information to throw light upon this accident and in order to prevent a repetition of this disaster, yet, in order that there may be no misapprehension as to the jurisdiction of the Commission with regard to the safety of passengers, we beg to call your attention to the fact that the Federal laws and regulations with regard to shipping are exclusive and that neither the Territory of Hawaii nor any of its political subdivisions, boards or commissions has authority or jurisdiction to add any burdens whatsoever in this regard.

"As far as the writer can find out from his investigation of the accident he has come to the conclusion that due to the South-easterly wind and the heavy set of the current the second boat was carried to the Westward and out of its course, and before the boat steerer realized it the boat was close to the reef. In his efforts to bring the boat about he broke the steering oar and before he could get the boat under control it was swamped by a roller. The position in which the 'Kilauea' was anchored had nothing to do with the accident except that if the 'Kilauea' had been anchored farther to the Eastward there would have been more leeway for the boat to clear the reef, the set of the current being to the Westward.

"In conclusion your attention is called to another matter concerning which there has been some adverse criticism of the Company and that is with regard to the condition of the crew of the steamer at the time of the accident. It is not at all improbable that when the 'Kilauea' left Honolulu some of the crew had been drinking, but before Lahaina was reached six hours had elapsed without opportunity for the crew to obtain any more liquor.

"While the 'Kilauea' has a bar service it is maintained entirely for cabin passengers and none of the deck passengers or crew can obtain any liquor therefrom. This rule has always been strictly enforced. Furthermore none of the crew are allowed on the upper deck of the vessel except to go to the boats and are not allowed, under any conditions, in the passenger quarters.

"Very truly yours,

"JOSEPH E. SHEEDY,

"General Superintendent of Inter-Island
Steam Navigation Co., Ltd."

JES|EP

TERRITORY OF HAWAII CITY)
AND COUNTY OF HONOLULU.)::.

JOSEPH E. SHEEDY being duly sworn deposes and says that for the purpose of putting the foregoing matters in verified form he now makes oath thereto as follows:

That he is the General Superintendent of the Inter-Island Steam Navigation Company, and in the immediate charge and superintendence of the operation of its vessels, their manning and equipment, and by frequent travel and inspection of the Inter-Island system and its operation has personal knowledge of the same. That the matters and things in the foregoing statement, except where manifestly stated upon information and belief or based upon past records of the Company are within the personal knowledge of the undersigned and are true.

That where matters are stated upon information and belief or based upon the past records of the Company they are believed to be true. Where matters are stated in the form of an opinion or conclusion they are founded upon the experience and general knowledge of the undersigned, and within the scope of his duty.

JOSEPH E. SHEEDY.

Subscribed and sworn to before me
this 9th day of August, 1915.

E. W. SUTTON,

Notary Public, First Judicial Circuit,
Territory of Hawaii.

REPLY OF CHAIRMAN CHARLES R. FORBES TO THE AFFIDAVIT
OF JOSEPH E. SHEEDY, GENERAL SUPERINTENDENT OF
THE INTER-ISLAND STEAM NAVIGATION CO., LTD.

"August 10, 1915.

"TO THE PUBLIC UTILITIES COMMISSION,

"Honolulu, T. H.

"Gentlemen:

"I beg to reply to the affidavit presented by the Inter-Island Steam Navigation Co., Ltd., and signed by Mr. Joseph E. Sheedy, General Superintendent.

"You will note under Captain's precaution at Lahaina, it is stated that before any boat is lowered from any vessel at Lahaina, the Captain gives careful attention to the surf and signals displayed at the end of the wharf, and if weather conditions are at all unusual, a mate is sent in the boat. On the night of the Lahaina accident, and from testimony taken by this Commission, no such precautions were taken.

"Mr. Sheedy's mention of either the purser or freight clerk at all times making the trip in the first boat is irrelevant, since their purser or freight clerk in the first boat is merely a matter of being on shore for the purpose of transacting the ship's business and is no excuse for any boat not being properly manned and in charge of a deck officer. Moreover, there is no evidence that the Captain of the 'Kilauea', on the night in question, took any precautions by using the searchlights until it was known that something unusual had happened.

"Mr. Sheedy states that no deck passengers are allowed to be in a boat with the cabin passengers. Were such the case, this procedure should be condemned by the Commission as being a detriment to the safe handling of passengers, as for instance, in the case of the 'Kilauea', there were five passengers in the first boat and double that number in the second boat, the necessity for ten passengers in the second boat being simply because they were deck passengers.

"I take exception to Mr. Sheedy's statement in this paragraph, and wish to explain that while it may not be common practice to take deck passengers from the vessel to the wharf in the same boat with cabin passengers, both cabin and deck passengers are carried in the same boat from the wharf to the vessel. The question in my mind is if deck passengers are not permitted in boats with cabin passengers from the vessel to the wharf, why does it not apply to deck passengers from the wharf to the vessel?

"The Company lays stress on the fact that in no case the number of passengers handled in any boat landed at Lahaina or elsewhere is anywhere near the capacity of the boat as fixed by the Federal authorities, and quotes the capacity of the 'Kilauea' as 35.8 persons per boat, and it is admitted, though rarely, that the total number of passengers and crew in one boat is more than twenty persons.

"The conception of this Commission is that the capacity of 35.8 persons per boat is not intended, as the Company would have it represented, namely, that 35.8 persons may be accommodated and carried in such boats while making such a landing as Lahaina or any landing, for that matter, since it is impracticable to properly row and manage a boat with that number of persons.

"The purpose of the Federal Inspection Laws is to provide a maximum number to each boat or raft, so that there will be accommodations for the aggregate total number of passengers and crew in event of an accident to the vessel when it becomes necessary to abandon her at sea.

"The Company feels justly proud of the safe handling of passengers due,

in a great measure, to the fact that the crews on their boats are much larger and due to the almost continuous use of smaller boats and are the best boatmen in the world.

"I cannot concur in this statement in its entirety, but I do believe that the experienced Hawaiian boatman is as good as there is in the world.

"It is represented in Mr. Sheedy's affidavit that the Federal Authorities appreciate local conditions and recognize the fact that these lifeboats are unsinkable and are exempt from requirements relative to lifeboat equipment except for extra oars. And it is understood that if any deviation from the Federal regulations issued by the Department of Commerce, in Washington, have been made for special reasons it is always in accordance with the recommendations of the Local Inspectors.

"In conclusion I would say, that in view of Mr. Sheedy's affidavit, it has been shown that the equipment of the Inter-Island Steam Navigation Co.'s vessels is maintained in accordance with the regulations of the Department of Commerce as represented in this Territory by the Inspectors of Hulls and Boilers. Nevertheless, I recommend that for the future the Inter-Island Steam Navigation Co., Ltd., be informed that it is very desirable the following suggestions of the Public Utilities Commission of Hawaii be adopted.

"That only boat steerers who are familiar with the Lahaina waters be used in making landings at Lahaina.

"That every boat conveying passengers from the ship to the shore or *vice versa* be in charge of a deck officer.

"That signals be so arranged between the Lahaina wharf and the vessel that when the signal is displayed from the wharf the vessel acknowledges the signal by the display of similar signal.

"That on entering Lahaina the searchlight be immediately turned on and kept in a position that in case of accident the light can be immediately played upon the scene of the accident.

"That a proper signal also be given from the wharf to the vessel when the last boat has left the wharf for the vessel.

"That the boat crew be instructed in their duties in case of accident as is the custom on board the vessel when an accident occurs.

"That the Inter-Island Steam Navigation Co., Ltd., furnish the Public Utilities Commission with the names, experiences, etc., of all the boat steerers.

"That the full name of all deck passengers be obtained before selling them transportation. If it had not been for the fact that the drowned persons had relatives at Lahaina it would have been impossible to obtain proper identification, and this is the reason why deck passengers should be listed by names as well as cabin passengers.

"That the Inter-Island Steam Navigation Co., Ltd., have some one on the wharf in a location where he can distinguish the signals from the vessel.

"That a life-boat, with proper equipment, be kept by the Inter-Island Steam Navigation Co., Ltd., at Lahaina in readiness for immediate use in case of accident.

"That the Public Utilities Commission appreciates the effort of the Company in its desire to afford all of the protection possible to the traveling public, but it should be forcibly impressed upon them that it is the intention of the Public Utilities Commission to thoroughly investigate every accident coming under its jurisdiction as a public utilities body, and to follow out the duties and responsibilities imposed upon them.

"I recommend that the Commission communicate our findings to the Inter-Island Steam Navigation Co., Ltd., with a copy of our recommendations, and

that all the evidence, findings, etc., be printed, a copy of the same furnished the Inspector of Hulls and Boilers, and a copy sent to Washington.

Respectfully submitted,

CHARLES R. FORBES,

Chairman, Public Utilities Commission of Hawaii.

We concur in the foregoing suggestions.

A. J. GIGNOUX,
Commissioner.

J. N. S. WILLIAMS,
Commissioner.

August 13, 1915.

Communications
with U. S. Local
Inspectors of Hulls
and Boilers.

Capt. William Howe,
Inspector of Hulls,
Honolulu, T. H.

Dear Sir:

The Public Utilities Commission desires to keep a record of the information you furnished the writer when you so kindly accepted his invitation to call at the office of the Chairman to discuss the Lahaina drowning that occurred on May 1, 1915.

That there may be no misunderstanding, I quote the statement alleged to have been made by you: "Capt. William Howe, Inspector of Hulls, and T. J. Heney, Inspector of Boilers, here, already have reported to the Federal authorities that the accident was unavoidable wherein they disagreed with the Coroner's jury and the Public Utilities Commission, both of which charge the two deaths to the negligence of the employees of the company." And your reply to me "that your Department had made no investigation of this case, nor had you made any report, of any kind, whatsoever to the authorities in Washington, and that you further agreed with the interpretation of the Federal law relative to the capacity of boats as to its maximum number of passengers, etc." Also, "that the Federal law does not require that boatmen be drilled in the handling of boats through the surf."

It is the desire of this Commission to enlist the support of your Department in the proper interpretation of the Federal Laws, that the Public Utilities Commission may not encroach upon the Federal rules and regulations of your Department. The writer thanks you for the information you so kindly furnished him, and assures you that the Commission appreciates your desire to be of assistance to them.

Very respectfully,

PUBLIC UTILITIES COMMISSION OF HAWAII,

By Its Chairman,

CHARLES R. FORBES.

August 13, 1915.

Mr. T. J. Heney,
Inspector of Boilers,
Honolulu, T. H.

Dear Sir:

The writer called on you Thursday, August 12th, and requested of you certain information regarding an accident that occurred at Lahaina, Maui, on the night of May 1, 1915. It is alleged that "Captain William Howe, Inspector of Hulls, and T. J. Heney, Inspector of Boilers, here, have already reported to the Federal authorities that the accident was unavoidable wherein they disagreed with the findings of the Coroner's jury and the Public Utilities Commission, both of which charge the two deaths to the negligence of the employees of the Company." You stated to the writer "That no report, of any kind, had been forwarded to the Federal authorities, and no action taken in this particular matter."

The Public Utilities Commission solicits your cooperation in such matters as pertain to accidents, etc., over which the Commission have jurisdiction, and it is our earnest desire to so carry out our proceedings that it will, in no way, conflict with the Federal laws under your Department.

The writer wishes to thank you for your courteous consideration when he called at your office on Thursday, the 12th instant, and begs to assure you that he appreciates the information you gave him, all of which will be transmitted to the Commission.

Very respectfully,

CHARLES R. FORBES,
Chairman, Public Utilities Commission of Hawaii.

PUBLIC UTILITIES COMMISSION OF HAWAII.

Honolulu, T. H., Aug. 13, 1915.

Inter-Island Steam Navigation Co., Ltd.,
Honolulu, T. H.

Gentlemen:

Inclosed herewith please find copy of Findings and Recommendations in the Matter of the Investigation of an Accident of the Inter-Island Steam Navigation Co., Ltd., which occurred at Lahaina, Maui, in which Chow Soy (male) and S. Ushi Kuwaye (female) were drowned while being transported to the Landing from the S. S. "Kilauea".

Very truly yours,

PUBLIC UTILITIES COMMISSION OF HAWAII.

By its Chairman,

CHARLES R. FORBES.

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INTER-ISLAND STEAM NAVIGATION Co., LTD.

Honolulu, T. H., August 18, 1915.

Public Utilities Commission of Hawaii,
Honolulu, T. H.

Dear Sirs:

We beg to acknowledge receipt of your favor of the 13th inst., enclosing copies of Findings and Recommendations in the matter of the investigation of an accident which recently occurred at Lahaina, Maui.

Yours very truly,

INTER-ISLAND STEAM NAV. Co., LTD.,

By JAS L. McLEAN,
Vice-President.

INTER-ISLAND STEAM NAVIGATION Co., LTD.

Honolulu, T. H., August 26, 1915.

Public Utilities Commission of Hawaii,
Honolulu, T. H.

Gentlemen:

In further reply to your communication of the 13th inst. in which you enclosed copy of Findings and Recommendations in re accident which recently occurred at Lahaina, Maui, we beg to advise you that the recommendations of your Commission have had our careful consideration and in reference to same we beg to reply as follows:

1. That only boat-steerers who are familiar with Lahaina waters be used in making landings at Lahaina.

This practice has been carried out in the past and will be continued in the future.

2. That every boat conveying passengers from the ship to the shore or vice versa be in charge of a deck officer.

Whenever, in the opinion of the Master of the steamer, there is any indication of danger in landing passengers at Lahaina, an officer is sent ashore from the steamer in the first boat. It is not practicable to send a deck officer in every boat as the law requires certain specified hours of duty for licensed officers and there is not a sufficient number of officers on board to carry out this recommendation.

3. That signals be so arranged between the Lahaina wharf and the vessel that when the signal is displayed from the wharf the vessel acknowledges the signal by the display of similar signal.

Proper signals between the Lahaina wharf and our steamers have been in vogue for some time past, and there has never been any misunderstanding as to these signals.

4. That on entering Lahaina the searchlight be immediately turned on and kept in a position that in case of accident the light can be immediately played upon the scene of the accident.

The steamer's searchlight is always ready for immediate use, and the Cap-

tain or other officer remains on deck while the boats are conveying passengers between the steamer and the landing, and the searchlight can be used instantly by such officer if necessary.

5. That a proper signal also be given from the wharf to the vessel when the last boat has left the wharf for the vessel.

This recommendation will be carried out in future.

6. That the boat crew be instructed in their duties in case of accident as is the custom on board the vessel when an accident occurs.

This has been done in the past and will be continued in future.

7. That the Inter-Island Steam Navigation Co., Ltd., furnish the Public Utilities Commission with the names, experiences, etc., of all the boat-steerers.

This recommendation will be complied with as soon as possible.

8. That the full names of all deck passengers be obtained before selling them transportation. If it had not been for the fact that the drowned persons had relatives at Lahaina it would have been impossible to obtain proper identification, and this is the reason why deck passengers should be listed by names as well as cabin passengers.

This recommendation will be very difficult to follow, especially in view of the numerous nationalities of such passengers and their ignorance of the English or Hawaiian languages. An effort, however, will be made to carry it out, but it is doubtful whether the same will at all times be practicable.

9. That the Inter-Island Steam Navigation Co., Ltd., have someone on the wharf in a location where he can distinguish the signals from the vessel.

A representative of our Company is always on the wharf to receive signals from our vessels while at Lahaina.

10. That a life-boat, with proper equipment, be kept by the Inter-Island Steam Navigation Co., Ltd., at Lahaina in readiness for immediate use in case of accident.

This recommendation we consider unreasonable. It would seem to be the duty of the Government to maintain life-saving stations ashore if needed. In case of emergency, our steamers' boats are always ready to be lowered into the water at a moment's notice and can render assistance quicker than any boat from shore.

Yours very truly,

INTER-ISLAND STEAM NAV. CO., LTD.,

By JAS L. McLEAN,
Vice-President.

PUBLIC UTILITIES COMMISSION OF HAWAII.

Honolulu, T. H., Aug. 31, 1915.

Inter-Island Steam Navigation Co., Ltd.,
Honolulu, T. H.

Sirs:

Your communication of the 26th instant replying further to our communication of the 13th instant with reference to our findings and recommendations in re accident which recently occurred at Lahaina, Maui, was carefully considered by the Commission at its meeting held today.

With reference to Recommendation 4. The Commission intended that at nights when steamers are landing passengers at Lahaina, Maui, the searchlight be put in action as soon as the vessels anchor; that it need not necessarily be directed on the course of the life-boats but kept in a position that immediate use could be made thereof should occasion arise.

Concerning Recommendation 10. The Commission submits the following recommendation in lieu of the one previously adopted. That all steamers landing passengers at Lahaina, Maui, be required to lower into the water a life-boat, with the proper crew and equipment, to be in readiness to render assistance in case an accident should occur to the other boats engaged in landing passengers.

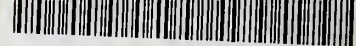
Very truly yours,

PUBLIC UTILITIES COMMISSION OF HAWAII.

By its Chairman,

CHARLES R. FORBES.





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